



CONSULTATION PAPER

A REVIEW OF THE OPTIONS FOR THE ACCREDITATION OF FORENSIC PRACTITIONERS

January 09

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CONSULTATION

This document sets out the Regulator's proposals for the accreditation of forensic practitioners. The proposals offer an alternative method for the independent assessment of the on-going competence of practitioners that are different to those currently in operation.

This consultation follows the Government's Code of Practice on Consultation.

The six consultation criteria are:

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full code of practice is available at:

www.berr.gov.uk/bre/consultation%20guidance/page44459.html

The consultation period for this document will be 12 weeks and the consultation period will close on 9 April 09.

You are welcome to comment on any aspect of this paper. Within the paper the paragraphs in italics are points that the Regulator would particularly welcome views on, they are reproduced in section 9.

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Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic

confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Please ensure that your response is marked clearly if you wish your response and name to be kept confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Department will process your personal data in accordance with the DPA - in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

A summary of the responses received will be published in one month of the closing date for this consultation, and will be made available on our website.

SUMMARY

This paper reviews the registration of forensic practitioners. It explains the history behind the Council for the Registration of Forensic Practitioners (CRFP); registration was established following calls in the 1980s for the regulation of quality standards in the use of forensic science. The solution, at the end of the 1990s, to the forensic science regulatory vacuum was to tackle standards through the single dimension of assessing and registering individual forensic practitioners.

Since then the regulatory vacuum has been further filled by creating the post of Forensic Science Regulator supported by a Forensic Science Advisory Council, the Criminal Procedure Rules, wider acceptance and use of ISO standards and independent accreditation by the United Kingdom Accreditation Service, independent certification of quality management systems, Skills for Justice and the new forensic National Occupational Standards, move by the Forensic Science Society to become a professional body, the National Policing Improvement Agency and its programmes of work to develop the use of forensic science, the forensic science procurement framework with stipulations on standards, and the Law Commission examination and proposals for rules governing expert witnesses.

Modern regulation of practitioner competence must take place in light these advances and the quality standards framework that is being developed to regulate quality standards at three levels: provider (all law enforcement and commercial suppliers of forensic services), practitioner and method (forensic science techniques). Assessment of practitioner competence is best achieved as part of an assessment of standards across-the-board, not as a stand-alone evaluation.

The recommendation is for regulation of practitioner competence to be integrated into the accreditation of broader standards. Such accreditation is in use now, it is international best practice for forensic laboratories and provides a model that could work effectively for all sections of the forensic community.

1. INTRODUCTION

- 1.1. The main role of the Forensic Science Regulator (the Regulator) is to set and maintain quality standards for the use of forensic science for the Criminal Justice System (CJS) in England and Wales so that the courts and the public can have confidence in the reliability of forensic science evidence. The authorities in Scotland and Northern Ireland have agreed to contribute to and adopt the regulation of forensic science quality standards meaning that the standards will apply to all three Criminal Justice Systems across the United Kingdom.
- 1.2. The Regulator's aim is to develop a comprehensive framework of quality standards for all:
 - providers (companies and law-enforcement bodies who provide any forensic service),
 - practitioners (any forensic specialist or expert), and
 - methods (forensic techniques).
- 1.3. The Regulator currently has domain experts working on developing quality standards as well as protocols for the scientific validation of methods. A framework built on: international standards (ISO), the International Laboratory Accreditation Cooperation (ILAC) standards for forensic science laboratories, United Kingdom Accreditation Service (UKAS) supplementary standards, the OECD Good Laboratory Practice standards, and ISO information security standards has been agreed in principle by an expert group chaired by the Regulator. Work on developing the framework, and within that a set of 'industry specific standards, is advancing and will be available for consultation and consideration by the end of January 2009.
- 1.4. In May 2008, Meg Hillier MP, Parliamentary Under-Secretary of State at the Home Office asked the Regulator to conduct a review, with recommendations, of the available options for the registration of practitioners involved in forensic science (excluding pathologists and

forensic medical examiners). The Regulator formed a specialist group to assist with the review; the terms of reference of the group are attached at Appendix IV.

- 1.5. This paper sets out the background, the issues, current context with regard to regulation of forensic science and makes recommendations on the approach to achieving competency standards for forensic practitioners, taking into account the wider standards framework that is planned and is emerging.
- 1.6. In this paper we examine the options for the regulation of forensic practitioners working in the CJS. Our focus is primarily the presentation of scientific evidence in the criminal courts. However, our proposals could equally apply to scientific evidence used in civil and family courts.
- 1.7. We have taken the view that the term 'forensic practitioner' encompasses all those involved with the discovery, collection and analysis of scientific evidence from crime scene to court. It includes anyone who works in different areas of forensic activity and whose evidence can vary from evidence of fact, to evidence based on their professional judgement and experience through to 'expert witnesses' whose opinion is allowed in evidence. This covers a broad spectrum of activity but is not intended to include any non-specialists who play a generic role, for example a police officer who is the first person at the scene of a crime and has to make professional decisions regarding the preservation and use of forensic evidence; the focus here is on forensic specialists (crime scene examiners, fingerprint officers, forensic scientists and other forensic experts). Later phases of the Regulator's work will look at forensic science quality standards for those involved at the more generic levels of law enforcement.
- 1.8. In reaching our views in this paper we have consulted with a wide range of interested parties and stakeholders.

- 1.9. This paper explores the options and makes recommendations for the desired goal. It does not address the transition which may be required to move from the current situation in order to achieve that goal.
- 1.10. Having considered, in Part 2, the genesis of the current registration of forensic practitioners through the Council for the Registration of Forensic Practitioners (CRFP), we then go on, in Part 3, to examine the current environment in which the 'register' now operates. Since the creation of CRFP in 1999, the Criminal Procedure Rules have been introduced; the independent Forensic Science Regulator has been established in order to set and monitor forensic science quality standards; the UK Accreditation Service has expanded its role into more forensic science areas; relevant ISO standards and forensic sector guidance have been developed; Skills for Justice has been created as a Sector Skills Council focussing on National Occupational Standards in the forensic sector; the Forensic Science Society has obtained professional body status; the 1999 Local Government Act has required changes in the way police procure forensic services; the National Policing Improvement Agency has been created; and the Law Commission is proposing reform in the way that admissibility of expert scientific evidence is determined in Criminal Courts. Each and every one of these has had an impact on the regulation of the quality of the provision of forensic science to the courts.
- 1.11. In Part 4 we cover the Council for the Registration of Forensic Practitioners (CRFP), in Part 5 we explore the matters to be considered and in Part 6 address a number of possible options for reassuring the prosecution authorities and courts that the witnesses giving scientific evidence are suitable, and appropriately and properly qualified to do so. At the same time we consider the benefits and problems with each option.
- 1.12. In Part 7 we include a partial impact assessment followed, in Part 8, by recommendations.

2. BACKGROUND

- 2.1. The initiative for the establishment of a body which would set down and implement consistent high standards of competence and integrity in forensic science had its genesis in public concern over the part played by forensic science in miscarriages of justice as far back as the 1970s¹.
- 2.2. The House of Commons Home Affairs (Select) Committee First Report on the Forensic Science Service² (FSS) concluded in 1989 that a statutory body to regulate standards was premature in the light of the limited development of forensic science outside the Forensic Science Service. At this time the FSS was a division of the Home Office and not an Agency and was responsible, through the Chief Scientist, for setting and maintaining quality standards within the forensic science sector.
- 2.3. The Royal Commission on Criminal Justice³ which reported in 1993 recommended a Forensic Science Advisory Council. This followed a recommendation to establish an Advisory Board and a register for forensic scientists made earlier in 1993 in the Report on Forensic Science by the House of Lords Select Committee on Science and Technology⁴. Conclusion 8 of this report recommended:

"...a system of individual registration of all forensic scientists. Scientists should be registered according to speciality, and at one of two levels. Anyone should continue to be allowed to practise, but it should be an offence to purport to be registered when not, and expert evidence from unregistered persons should become exceptional. Registration should depend on qualifications, experience, references and a casebook; it should be subject to review and withdrawal. It should be administered by the

¹ These miscarriages are described in Appendix 5 of the Report on Forensic Science by the House of Lords Select Committee on Science and Technology. See footnote 4 below.

² House of Commons Session 1988-89. Printed 13 February 1989.

³ Report of the Royal Commission on Criminal Justice. Cm 2263. Published July 1993

⁴ House of Lords Session 1992-93 5th Report. HL Paper 24 Printed 3rd February 1993

Government, with the help of a small Board, and delegated to the appropriate professional body wherever possible".

- 2.4. Professor Brian Caddy's Report on Contamination at the Forensic Explosives Laboratory at Fort Halstead⁵ published in December 1996 recommended the establishment of an Inspectorate of Forensic Sciences. As an alternative model of control, the report advocated consideration of the registration of individuals with an Institute for forensic science practitioners.
- 2.5. In its response⁶ to conclusion 8 of the House of Lords Select Committee Report, the Government undertook to consider its recommendations in the context of the Royal Commission's recommendations.
- 2.6. In its response to the Royal Commission's recommendations⁷ on the setting up of a Forensic Science Advisory Council, the Government said:

"...it did not see the need for an Advisory Council with as broad a remit as recommended by the Royal Commission. Many of the tasks recommended could not be fulfilled effectively without some form of statutory regulation which the Royal Commission itself did not see as justified. It nevertheless saw some value in the establishment of a non-statutory body. Before coming to a final view on the precise role, composition and powers of such a body, the Government wished to take account of recent changes in the forensic science industry, including the merger on 1 April 1996 of the Forensic Science Service and Metropolitan Police Forensic Science Laboratory, and the finding of the enquiry into the contamination at the Forensic Explosives Laboratory."

⁵ Assessment and Implications of Centrifuge Contamination in the Trace Explosive Section of the Forensic Explosives Laboratory at Fort Halstead by Professor Brian Caddy. CM 3491 Published December 1996

⁶ House of Lords Session 1992-93 6th Report HL Paper 24-III Printed 5th May 1993

⁷ Final Government Response. Published June 1996. Government statement Hansard col 185 27.6.97. House of Commons

2.7. In its response⁸ to Professor Caddy's report, the Government said it would consider the establishment of a Forensic Science Inspectorate. It noted that the Royal Commission on Criminal Justice did not see the need for statutory regulation, but proposed instead the establishment of a Forensic Science Advisory Council with a range of functions similar to those of the proposed Inspectorate. The then Home Secretary Rt. Hon. Michael Howard QC MP said in his statement to the House of Commons⁹:

"I shall now consider both proposals before deciding how to proceed. In this context, I welcome the proposals that are under consideration to set up a professional body for forensic science. I understand that preliminary meetings have now taken place involving representatives from various forensic science and other organisations. Lord Dainton - the Chairman of the Science and Technology Committee in another place, which reported on forensic science - is leading the initiative as president elect. I believe that this could be a useful initiative, and I shall therefore take a close interest in the progress made".

2.8. The meetings the Home Secretary referred to were those of forensic science providers and representative bodies in November 1996 which resulted in a small working group (The Forensic Science Working Group) chaired by Lord Lewis BSc, MSc, PhD, CChem, FRSC, FRS and comprising Lord Dainton CChem, Hon FRSC, FRSE, FRS, Mr Peter- Cobb CChem, FRSC and Mr Alan Hall OBE, CChem, FRSC which was set up 'to examine whether a system of self-regulation could be devised which would ensure and safeguard standards of professional competence and integrity for forensic scientists'.

2.9. The initial purpose of the meetings was to discuss the setting up of a professional body for forensic science whose primary concern was an oversight of quality and standards in forensic science. This in turn led

⁸ The Government Response. Published December 1996

⁹ Government statement Hansard cols 767-775 17.12.96. House of Commons

to discussion about a professional body and a register of professional forensic scientists. The working group developed this further and decided to confine its work to devising a system of self-regulation through a registration system for participants.

- 2.10. In essence, the calls at the time for regulation of standards in forensic science were addressed through the recommendation by the working group for a registration council for forensic practitioners. The regulation of forensic science quality standards was, at that time, intended to be managed through the single dimension of practitioner registration.
- 2.11. The report of the Forensic Science Working Group was a well researched and informed piece of work, many of the principles established in the report hold true today¹⁰.
- 2.12. The working group concluded that a well structured registration system would be welcomed by all parts of the profession. It went on to say that any system recommended needed to satisfy a number of criteria:
- It must be virtually self-financing at a reasonable cost to registrants. This is a practical response to the facts of life - there would be no funds from the public purse on a continuing basis. The cost to individual registrants should not be so high as to deter registration.
 - It must set high standards of competence and integrity. The standards of competence must be high on entry to the register and there must be clear commitment to maintenance of that competence which must be tested regularly. With respect to integrity there would be a need for strict code of conduct and disciplinary powers which would extend to exclusion. For the latter reason this register must be "the only game in town" if it is to be credible.

¹⁰ Report of the Forensic Science Working Group. Published November 1997. ISBN 0 85404 905 3.0

- The register must cover all the principal individuals with their diverse activities in the forensic science process i.e. from crime scene to court.

2.13. The working group had been impressed by the approach used by scientists in health care and that model lead them to propose a three tier structure:

A Forensic Science Registration Council chaired by a senior member of the wider scientific community and should include representatives of the law enforcement, legal and scientific communities. The representatives were not to be regarded as delegates in the sense of being there to further their members' interests. The working group expected this Council to take the broad view on registration policy in laying down the general principles to be followed by the subordinate groups and exercise an oversight of their performance. They saw this Council as the main deliberative forum with a long term aim to become the Advisory Body envisaged in the House of Lords Select Committee and Royal Commission reports.

A Forensic Science Registration Board / Executive which would have the main responsibility for making the system work. The working group expected the membership to have a majority of forensic practitioners with a leavening of scientists not engaged in the forensic field.

Registration Panels which would undertake two responsibilities:

1. Formulate the registration requirements within their area of expertise;
2. Assess the suitability of applicants for registration and recommend their admission for ultimate approval by the Board / Executive.

- 2.14. Its proposal for a three tiered Council for the Registration of Forensic Practitioners (CRFP) was ‘based on offering the possibility of filling the vacuum which exists for all those forensic practitioners who have no ‘body’ which sets and maintains consistent standards of practice. It also offers an independent registration system for wider public approval. To the public it offers high and consistent standards of performance by all those involved in the collection, examination, interpretation and presentation of evidence in the judicial process. It would be establishing a new approach without ‘reinventing the wheel.’
- 2.15. Jack Straw, Secretary of State for the Home Department, announcing the establishment of CRFP in May 1998, said:

“The setting up of the Registration Council will be a significant step forward in further raising quality and standards in the forensic science industry. Taken together with the other measures already taken by the industry, the Council will do much to enhance the standing of forensic science in the criminal justice process. It is important that any new arrangements for oversight command the support not only of forensic practitioners but also the end users of their services.”

- 2.16. At the official launch of CRFP in October 2000 Professor Evelyn Ebsworth, Chairman said:

“Today represents the culmination of many years’ hard thinking and hard work by a wide range of people both within and outside the forensic community. The enterprise is supported right across that spectrum. Forensic practitioners, their users and their employers recognise the value of registration. And we have received strong support from others with a key interest in the quality of forensic work. CRFP is not a professional body and will have no trade union or other representational responsibilities. We aim to make a real contribution to effective justice by ensuring the current competence of forensic practitioners, measured against defined standards. We

want the public to feel comfortable with, and confident about, the increasingly important role of science in the courtroom.”

3. THE CHANGING ENVIRONMENT

3.1. In Part 3, we examine the changing environment in which the ‘register’ now operates and identify what we consider to be the issues or problems with the current approach.

The situation in 1999

3.2. As Lord Lewis reported at the time there was a ‘vacuum which exists for all those forensic practitioners who have no ‘body’ which sets and maintains consistent standards of practice’. His proposal for a three tiered Council for the Registration of Forensic Practitioners (CRFP) was ‘based on offering the possibility of filling the vacuum’.

3.3. **Council for the Registration of Forensic Practitioners (CRFP).** The Council for the Registration of Forensic Practitioners (CRFP) was established in 1999 as a company limited by guarantee and is non profit making. CRFP¹¹ is an independent regulatory body, set up by the forensic science community, to establish, uphold and encourage high standards for forensic practitioners. Its aim is to promote public confidence in forensic practice in the UK. It seeks to accomplish this by issuing a code of practice, by publishing a register of competent forensic practitioners and by requiring periodic re-validation to ensure that practitioners keep up to date and maintain their competence. That is, it seeks to achieve ‘regulation’ or the achievement of standards of competence through the process of registration. It has procedures for dealing with registered practitioners who fail to meet the necessary standards. The CRFP is independent of Government but accountable to the Lord Chancellor and Secretary of State for Justice. Registration is voluntary.

The situation in 2008

3.4. The world and the UK in particular, have moved on in many fronts since the creation of CRFP in 1999. There have also been further

¹¹ www.crfp.org.uk

quality failures in the delivery of forensic science to the police and courts¹². Many of these changes directly influence the setting, monitoring and delivery of quality standards in forensic science, all previously the sole domain of CRFP. The main influences in recent years are detailed below.

3.5. **Introduction of Criminal Procedure Rules¹³** in 2005 and, in particular, the addition of Rule 33 in 2006. These mirror the Civil Procedure Rules and built upon case management practice direction by the Attorney General¹⁴. Of particular importance are Rule 33 references to the expert's duties to the court.

3.6. **Establishment of an independent Forensic Science Regulator -** The post of the Forensic Science Regulator was announced by the Parliamentary Under-Secretary of State for the Home Department (Meg Hillier MP) in July 2007, she included the statement¹⁵:

“..... we have put in hand to establish the post of forensic science regulator, whose role will be to advise the Government and the criminal justice system on quality standards in the provision of forensic science. This will involve identifying the requirement for new or improved quality standards, leading on the development of new standards where necessary; providing advice and guidance so that providers will be able to demonstrate compliance with common standards, in procurement and in courts, for example; ensuring that satisfactory arrangements exist to provide assurance and monitoring of the standards; and reporting on quality standards generally.”

3.7. The principal role of the Regulator is to set and monitor quality standards for the use of forensic science in the CJS. Quality standards can be applied at three levels: provider (supplier of forensic services), practitioner (any person working in a role involving the collection,

¹² [Ref Caddy Report]

¹³ Ref CP rules

¹⁴ built from the CoA(CD) judgments in Harris and Bowman.

analysis or presentation of forensic science evidence), and method (any forensic procedure or technique). The Regulator will identify where standards are needed; commission new or revised standards; assign priorities; monitor effectiveness, performance and compliance; and work with other organisations to achieve these goals.

- 3.8. The scope of regulation spans the whole investigative and judicial process from the supply and use of suitable materials, through the crime scene, collection and analysis of forensic exhibits, to the presentation of evidence in court. It will encompass the independent accreditation of operators, the competence, development and registration of practitioners and the validation of methods.
- 3.9. The Forensic Science Advisory Council (FSAC) is an independent body established to advise and support the Regulator in the exercise of his duties. The FSAC was established by Ministerial Statement on 10 January 2008¹⁶ and its members are drawn from key stakeholders, delivery partners, practitioners and expert bodies as well as other parties with a particular interest in the provision of forensic science services to the CJS. The role of its members is to advise and support the Regulator; they do not represent the interests of their parent body.
- 3.10. Specialist groups have been established by the Regulator to provide advice and expertise in key areas. They are the principal workforce for the development of standards that are fit for purpose. The membership of these groups is drawn from practitioners, experts and stakeholders across the full spectrum of forensic activity, people best placed to advise on and develop quality standards. There are currently six standing groups:
 - **Quality standards** with a strategic role to develop high level standards and generic validation protocols;

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<http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070712/wmstext/70712m0002.htm#07071262000011>

- **The user requirement** for forensic science from the court perspective (end user group) – to identify the needs of the courts with regard to forensic science and to ensure that standards are structured to meet those needs;
- **DNA profiling** to develop quality standards and interpretation models for all forensic DNA profiling methods;
- **Digital forensics** to develop quality standards and interpretation models for the forensic examination of computers and telephones;
- **Forensic pathology** to monitor standards currently in place; and
- **Practitioner quality standards** to review practitioner competency standards and related processes.

3.11. As work progresses and resources allow, the Regulator will form new groups to look at other specific areas, for example fire scene standards and the forensic recovery and examination of CCTV images.

3.12. The Regulator has also established a process to manage complaints about forensic science quality standards. There has, until now, been no mechanism to deal with concerns about quality standards other than concerns about an individual practitioner.

3.13. **The UK Accreditation Service** has expanded its role and is routinely accrediting UK and overseas forensic laboratories. The United Kingdom Accreditation Service (UKAS)¹⁷ is recognised by the UK Government as the sole national body responsible for assessing and accrediting the competence of organisations in the fields of calibration, testing, inspection and in the certification of systems, products and personnel. Assessment is against internationally agreed standards and

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<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080110/wmstext/80110m0001.htm#08011061000014>

¹⁷ www.ukas.com and www.ukas.org

accreditation by UKAS demonstrates the competence, impartiality and performance capability of these organisations to deliver specified services. UKAS is a non-profit-distributing company, limited by guarantee, and operates under a Memorandum of Understanding with the Government through the Secretary of State for Innovation, Universities and Skills. As a company limited by guarantee, UKAS has Members instead of shareholders. The Members represent those who have an interest in all aspects of accreditation, namely: national and local government, business and industry, purchasers, users and quality managers.

- 3.14. UKAS accredits to the standards of the International Organization for Standardisation (ISO). UKAS both accredits laboratories directly and accredits other organisations to be certification bodies.
- 3.15. UKAS works with other national accreditation bodies so that certificates and reports by UKAS-accredited organisations are accepted widely. Thus in Europe UKAS is a member of European cooperation for Accreditation (EA) and globally it is a member of International Laboratory Accreditation Cooperation (ILAC) and International Accreditation Forum (IAF). Maintaining this status of mutual recognition is subject to regular peer evaluation to accepted international standards. For example EA carries out audits on its constituent accreditation bodies to ensure that they meet the agreed standards. UKAS is accredited to ISO 17011 in this respect. UKAS thus accepts evidence of competence and traceability of calibration or testing provided by laboratories that have been accredited by another member of one of these international bodies and vice versa.
- 3.16. There are many UKAS accredited certification bodies in the UK. These bodies issue certificates to organisations that can demonstrate compliance with standards such as ISO 9001.
- 3.17. **International standards (ISO) and forensic sector guidance have developed** - The International Organisation for Standardisation (ISO) defines accreditation as:

“Third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.”

- 3.18. ISO 17025 is now widely acknowledged as the most appropriate standard, to date, to govern the work of forensic science laboratories but it is a general standard and it has not been tailored specifically to the needs of forensic science. However, UKAS also issues supplementary standards under its LAB series which may include additional more specific requirements made by other bodies. For example, LAB 32 governs “Accreditation for Suppliers to the UK National DNA Database” and includes criteria specified by the Custodian of the National DNA Database. Furthermore, UKAS also uses published guidance to assist organisations achieving accreditation. For example ILAC G.19 (guidance to help in the assessment of forensic science laboratories to ISO 17025).
- 3.19. Most commercial forensic providers involved in traditional laboratory based forensic work are accredited to ISO 17025 for their analytical work and a number are also certificated to ISO 9001 for their quality management systems.
- 3.20. Increasingly, police forces have quality management systems for their in-house forensic services and are certificated to ISO 9001. All police forces, except for 2, have ISO 9001 certification for their fingerprint functions, 5 forces have extended this to cover all their forensic functions. Some forces are moving towards accreditation to ISO 17025 for their in-house forensic laboratory functions.
- 3.21. Certification to ISO 9001 provides evidence that an organisation’s management system complies with the requirements of this standard. ISO 9001 is not concerned with the demonstration of technical competence.

- 3.22. ISO 17025 is specifically written for laboratories and is concerned with technical competence. It also includes all of the management system components of ISO 9001 that are relevant to laboratories.
- 3.23. ISO 17020 is an existing standard governing organisations carrying out “inspection”. UKAS and other European accreditation bodies working with the European Network of Forensic Science Institutes (ENFSI) have developed this standard for scenes of crime work and issued, jointly, a guidance document on its application¹⁸.
- 3.24. In 2002 the International Laboratory Accreditation Cooperation (ILAC) published guidelines for laboratories involved in forensic analysis and examination by providing guidance on the interpretation and application of ISO 17025 for the forensic context. UKAS has adopted the ILAC guidelines as part of their accreditation process for UK forensic science laboratories. A full copy (reproduced by permission of the ILAC Secretariat) is attached at Appendix I.
- 3.25. The guidance includes the following section:
- The laboratory should have a defined policy that ensures that staff working in the laboratory are competent to perform the work required. The term ‘competent’ implies possessing the requisite knowledge, skills and abilities to perform the job. The laboratory’s policy should also include procedures for retraining and maintenance of skills and expertise.
- 3.26. The guidance continues with requirements for statements of competence for all jobs and for detailed records of staff training, performance and assessment of performance.
- 3.27. Through the implementation of these guidelines, UKAS assesses and accredits forensic providers on the ongoing competence of their practitioners.

¹⁸ Ref ENFSI/ UKAS Guidance for ISO 17020 for CSI

- 3.28. The Regulator, in conjunction with UKAS, and with the support of the Quality Standards Specialist Group, is currently undertaking a detailed comparison of all these other standards and supplementary guides, to be followed by a gap analysis to identify areas, for forensic practice across the UK, where additional supplementary standards are required.
- 3.29. The outcome of this work will be a single set of 'industry specific' standards, based on the ISO standards, but bespoke to the use of forensic science in the UK. This is ground breaking work that will lead to a set of standards that:
- are in a common language that is understood across the UK forensic sector,
 - encompass all the quality management, laboratory, practitioner and methods standards into one document,
 - can be used by law enforcement bodies, commercial providers and sole practitioners, and
 - can be the forensic science standards used by UKAS for assessment and accreditation of organisations, partnerships and sole practitioners.
- 3.30. *In the meantime, all providers with any laboratory function will be expected to be accredited to ISO 17025. Any law-enforcement body with an in-house laboratory function will be expected to work to the same standard and to apply for ISO 17025 and / or ISO 17020 accreditation. This, along with the full adoption of the National Occupational Standards (see the next section), means that each organisation will have to maintain a high level of practitioner competence.*
- 3.31. **Investment in quality.** Both the commercial and non-commercial providers of forensic laboratory analytical services invest considerable sums in achieving high quality services. The regulator is informed by

members of the Forensic Science Advisory Council, who are also members of the Association of Forensic Science Providers, that the investment in quality systems is 10% to 15% of overall costs. This is confirmed by independent analysis conducted for the Regulator.

3.32. **Skills for Justice** is one of twenty five Sector Skills Councils in the UK and is part of the Alliance of Sector Skills Councils¹⁹ - a body that was launched on 1 April 2008 to replace the Sector Skills Development Agency. Skills for Justice is the Council covering all employers and employees in the UK Justice Sector. It was formed by a collaboration of the Community Justice National Training Organisation, the Custodial care NTO and the Police Skills and Standards Organisation. Skills for Justice is registered in England and Wales as a company limited by guarantee. The services within its remit are:

- Community Justice;
- Courts and Tribunals Services;
- Custodial Care;
- Policing and Law Enforcement;
- Prosecution Service; and
- Forensic Science.

3.33. These are referred to as the “strands” of the Sector. There is an Occupational Committee overseeing each strand and the Forensic Science Occupational Committee oversees the Forensic Science strand. Its role is to represent the needs of forensic science organisations and help Skills for Justice prioritise its work. It is also acting as the Steering Group for the project to create a comprehensive set of National Occupational Standards (NOS).

¹⁹ www.sscalliance.org.uk

- 3.34. The initial phase of the project identified priority work areas for NOS review and development. Three areas were prioritised to be taken forward by working groups looking at:
- Forensic Identification (fingerprints, shoeprints, DNA, marks, etc);
 - Crime Scene Investigation (evidence recovery from the crime, CSIs, SOCOs etc); and
 - Forensic Laboratories (conducting forensic laboratory investigations).
- 3.35. The objective is a recognised framework of competence standards for all forensic science practitioners. The NOS have been agreed and are ready for implementation.
- 3.36. The National Occupational Standards:
- Describe competent performance in terms of outcomes. They allow a clear assessment of competence against nationally agreed standards of performance, across a range of workplace circumstances for all roles.
 - Define the skills, knowledge and understanding required of practitioners.
 - Provide a clear benchmark against which individual practice can be assessed in appraisal and can used to formally assess individuals' on-going competence, and also for the award of national qualifications.
 - *Are viewed by managers as an indispensable tool for managing a highly skilled workforce. They are used widely to support individual and organisational development and quality assurance at all levels. They provide benchmarks of good practice across the UK.*

- Form the basis of qualifications, most commonly National Vocational Qualifications (NVQs) and Scottish Vocational Qualifications (SVQs).
- 3.37. The development of the NOS has ensured that the identification of the skills, knowledge and understanding needed by forensic practitioners is far easier than has previously been the case. Skills for Justice develop NOS through widespread consultation with leading practitioners. NOS within the sector now offer the opportunity for individuals to gain meaningful credit for the skills developed throughout their careers. By specifying exactly what skills, knowledge and understanding are required in order for an individual to be considered competent these standards can be used as a basis for recognition when competence is achieved.
- 3.38. Most importantly, by starting with the skills needed for competence in the job, any recognition is firmly based on operational requirements. These set out clearly and succinctly what skills, knowledge and understanding an individual needs to be considered competent in their job.
- 3.39. Skills for Justice is the guardian of the NOS for forensic science and the wider justice sector. Skills for Justice develop and review NOS, keeping them up to date to reflect the skills and standards needed. The benefits of using NOS are that they are nationally recognised common standards of competent performance, developed with the sector and are applicable across the UK.
- 3.40. *Skills for Justice recommend that NOS are used as a 'common language' and that they are the key test of practitioner competence.*
- 3.41. **The Regulator recommends that the NOS are fully adopted by all providers and practitioners and are used for the on-going assessment of work-based competence.** The NOS are designed for on-going assessments of competence to be made by each practitioner's line managers who will be trained as assessors and have

the necessary professional and practical knowledge to constantly assess practitioner competence.

3.42. This on-going assessment by trained assessors can be documented as part of an organisations quality management systems and assessed as part of the organisations external independent accreditation.

3.43. **The Forensic Science Society** is an international body with members in over 60 countries. The Society was founded in 1959 and with over 2500 members it is one of the oldest and largest forensic associations in the world. It achieved professional body status in 2004. It publishes a peer reviewed journal, a newsletter, awards qualifications and prizes, arranges scientific conferences in the UK and abroad and is engaged in setting standards and accreditation in forensic sciences. Most of its members are UK scientists but there is a significant minority of other forensic professionals involved such as police officers and crime scene investigators. The Society has a Code of Conduct, membership / ethics committee and disciplinary regulations in common with other professional bodies.

3.44. The broad scope and definition of forensic science mean that, potentially, almost all the professional or regulating bodies representing (or supervising) scientific, technical and medical professions could be listed as being a possible resource within the regulatory function. There are, for example, twelve or more British Royal Medical Colleges and various engineering institutes. The following is therefore only an incomplete list:

- Fingerprint Society;
- Forensic Science Society;
- General Dental Council;
- General Medical Council;
- Institute of Fire Engineers;

- Institute of Physics;
- Institution of Traffic Accident Investigators;
- The Academy of Experts;
- The Bar Council;
- The British Computer Society;
- The Expert Witness Institute;
- The Institute of Biology;
- The Law Society;
- The Royal Academy of Engineering;
- The Royal Pharmaceutical Society;
- The Royal Society;
- The Royal Society of Chemistry;
- The Royal Statistical Society; and
- The Society of Expert Witnesses.

3.45. **Local Government Act 1999 and Police Procurement.** In 2003 guidance was issued by the Home Secretary under section 26 Local Government Act 1999 in relation to Best Value; section 6A(6) Police Act 1996²⁰ in relation to three year strategy plans and section 8(4A) Police Act 1996²¹ in relation to local policing plans. It provided guidance on best value and planning for police authorities and forces in England and Wales.

3.46. A basic tenet of this guidance was that good ‘best value reviews’ deliver improvements by following a simple set of principles. Reviews should:

²⁰ as inserted by s92 Police Reform Act 2002

²¹ as inserted by s107 & Sched 7, para 14 Police Reform Act 2002

- challenge why, how and by whom a service is being provided;
- compare processes and performance with others across a range of relevant indicators, taking into account the views of service users and potential suppliers;
- consult local taxpayers, service users, partners, the wider business community and staff and trade unions;
- compete using fair and open competition wherever practicable as a means of securing efficient and effective services; and
- be fully costed.

3.47. As a result of which, the supply of forensic science services is now through a competitive market with police external suppliers subject to a procurement process and contracts that stipulate compliance with quality standards set by the Regulator.

3.48. **The National Policing Improvement Agency.** Established in 2007 the NPIA is police service owned and led²². Its aim is to contribute to improving public safety by:

- driving improvement and leading-edge practice where it matters, fostering self-improvement and helping to shape the future of policing.
- delivering and developing critical essential services and infrastructure to support policing day-in and day-out.
- providing accessible, responsive and joined-up solutions, enabling the police services to put more time into front line police work.

3.49. The drivers for change in forensic science were identified in 2006 Strategic Framework for Forensic Science which was developed by a jointly sponsored project team drawn from the Association of Chief

²² Ref NPIA website: <http://www.npia.police.uk>

Police Officers, Association of Police Authorities and Home Office. At the request of the sponsors, the Strategic Framework was adopted by the NPIA and formally commissioned on 28 February 2008 as the 'Forensics 21' programme with the specific aim to challenge current forensic practices to provide greater efficiencies, value for money and to ensure consistency and transparency of processes and standards across the police service.

- 3.50. NPIA research has confirmed (amongst other issues) a lack of competency assured forensic practitioners and the need for greater public reassurance in the wake of high profile quality failures and adverse publicity.
- 3.51. As a response to this, an NPIA Forensic Science Competence project aims to improve forensic skills and knowledge for all police officers, police specialist forensic practitioners, and other relevant staff, to ensure effective use of forensic science in the investigation of crime. This will be achieved through a series of work streams, which will address all aspects of forensic science learning and competence, including crime scene investigating, fingerprinting and footwear training.
- 3.52. The NPIA currently holds a number of competent practitioner registers. For example, the National Financial Investigators database which is backed by statute and requires demonstration of competence.
- 3.53. The NPIA has recently published a framework for the procurement of forensic services. This follows the procurement project by a group of police forces in the South West and North West of Great Britain, both provide a route to establishing quality standards for the supply of forensic services.
- 3.54. **The Admissibility of Expert Evidence** - The Law Commission is due to publish a consultation paper entitled 'The admissibility of expert evidence in criminal proceedings in England and Wales'. This paper proposes a new approach to the determination of evidentiary reliability

particularly focussed on scientific evidence tendered for admission in Crown Court trials before a judge and jury.

- 3.55. The rationale for the Law Commission's paper is explained in their summary of this work:

In every trial, juries are required to make determinations of disputed factual issues. Where to do so requires specialised knowledge, experts in the relevant field are called upon to help the jury interpret the evidence. This is to ensure that jurors do not draw mistaken inferences from the evidence. Although juries should not defer to experts' knowledge and opinions, there remains the danger that they will do so, especially if the field of expertise is particularly difficult to comprehend. This gives rise to a real danger if there are legitimate questions about the validity of the expert's opinion. This may be because the expert's field is a new or developing science with little in the way of peer review, or because there are doubts as to the validity of the methodology employed. The problem is accentuated if there is no available expert in the same field who can be called by the opposing party to provide an effective criticism. In such cases, the jury may have no option but to defer to the view of the expert. A related problem is that judges, advocates and jurors may not appreciate the limitations of expert – and particularly scientific – evidence. A number of cases in recent years have suggested that these are real difficulties which require a solution. In this project we are seeking to address the problems outlined above associated with the admissibility and understanding of expert evidence in criminal proceedings.

- 3.56. The Regulator is liaising with the Law Commission and has been invited onto an advisory group involved in this project that clearly may have an impact on the admissibility and management of scientific evidence by the Courts.

3.57. In reaching the decision to include this project in the Law Commission's programme of work, the Office for Criminal Justice Reform (OCJR) explored the possibility of changes to the law to introduce compulsory registration of forensic practitioners and expert witnesses. They decided against seeking changes to the law to introduce mandatory registration, preferring to leave registration as a matter of policy rather than law. Their reasons for this include the complexity and cost to achieving a large inclusive list of experts.

4. COUNCIL FOR THE REGISTRATION OF FORENSIC PRACTITIONERS

- 4.1. In spite of a stated commitment to supporting CRFP by the Association of Chief Police Officers (ACPO) and the major forensic science providers the current registrants²³ number 2755. The pool of potential registrants was initially placed by Lord Lewis at over 10,000. In 2004 CRFP calculated the pool to be 7,570²⁴ and have recently revised that figure to 5,000. Skills for Justice, based on data from the NPIA, Forensic Science Northern Ireland and the Scottish Police Services Authority estimate there to be about 8,700 practitioners.
- 4.2. Regardless of the true figure, there has never been full take up of CRFP registration. Approximately 71% of registrants are employed by the police; some forces register all their practitioners, with a mixed take-up down the range, to one police force with one person registered. Overall, 55% of police employed forensic practitioners who are eligible and able to register are registered or are applying for registration.
- 4.3. CRFP believes that the fundamental factor in the limitation on the growth of the register is that registration is not mandatory in order to give expert evidence. This matter is dealt with elsewhere in Part 5.
- 4.4. Regardless for the reasons why there is incomplete registration of forensic practitioners we are left with the current situation where at best 60%, but more likely 50% or less, of the practitioner population chooses to register. Currently, in any case involving forensic evidence, the crime scene examiner may or may not be registered, the junior forensic scientist undertaking the examination of exhibits probably will not be registered, the senior scientist, or 'reporting officer', probably will be registered.

²³ CRFP newsletter No 22, December 2008

²⁴ Financial and Business review of the CRFP 4 May 2004

- 4.5. It was recognised that, during its initial years, there would be a need for public funding for CRFP whilst it built up the list of registrants. On the creation of CRFP, the Home Secretary agreed to financially support the organisation, initially for two years. This funding was subsequently extended. In September 2005, Home Office set out a five year funding agreement following which they will look to CRFP to become self-sufficient. The final year of the funding agreement is 2009/10.
- 4.6. To date, CRFP has received some £2.9m of Home Office grant in aid with a further £0.3m committed for the two year period ending 31 March 2010. This is now administered through the National Policing Improvement Agency (NPIA).
- 4.7. CRFP remains dependent upon Home Office funding (now administered through the NPIA). Its ability to reduce costs and/or increase revenues from existing registrants are limited.
- 4.8. Had the full take up of registration across the practitioner population been achieved, CRFP would have achieved financial independence and still could do if registration was compulsory.
- 4.9. CRFP believes that the current uncertainty over its future has adversely affected the financial and reputational standing of CRFP, so that the possibility of achieving self-sufficiency after the current round of grant-in-aid funding ends has been compromised. CRFP inclines to the view that bodies acting in the public interest should retain an element of public funding, for reasons of accountability, but feels that the current funding route – via the National Policing Improvement Agency - is unhelpful in terms of public perception.
- 4.10. The cost of registration for the vast majority of forensic practitioners is met by their employers, this is certainly the case for the police practitioners and those employed by the forensic science companies. The total annual cost to the police service of registering forensic practitioners, if all were registered, would be £661,000.

- 4.11. The CRFP system provides that any professional who is involved in providing evidence to a court – so long as there is sufficient casework on which to assess competence – is potentially capable of registration²⁵. CRFP also sees itself as the ‘principal body recognised by the UK courts for the accreditation of forensic practitioners and expert witnesses’²⁶.
- 4.12. Views about CRFP and the registration process are mixed. Many practitioners see little or no benefit in registering; this is evidenced by the partial take-up of registration and the many comments received in the process of preparing this paper. There is not the level of support expected by the Home Secretary when CRFP was launched in May 1988. However, there is support among the smaller providers and sole traders.
- 4.13. *The Regulator would welcome views on the current assessment and registration processes conducted by CRFP to be sure that all views and experiences are heard and considered.*
- 4.14. The CRFP Board have produced their own paper in response to this review; it is attached in full at Appendix II.

²⁵ CRFP’s submission to this review Para 6.2

²⁶ CRFP Strategic Plan 2008 – 2013 (Draft 2)

5. CONSIDERATIONS

- 5.1. **Is registration the best method of achieving the aim?** Lord Lewis concluded in the 1997 Forensic Science Working Group Report that ‘The Working Groups impression from most of the submissions and from the oral presentations was that a well structured registration system would be welcomed by all parts of the profession’.
- 5.2. It is a commonly held belief that some form of register is required in order to manage any skilled workforce. Entry onto a register ensures that an individual’s skills and competences are accredited in a quality assured manner, that the individual maintains the competence and that only people with the right level of skills undertake specific tasks for which they are qualified.
- 5.3. The concept of professional registers underpins nearly all professions. Taking the definition of a profession at its most basic: a specialist role whose practice is controlled, the use of professional registers can be seen as a similarly basic requirement.
- 5.4. A public register can also provide a source of reference for those trying to find a suitable expert. A common problem raised by defence solicitors is the ability to identify independent and suitable experts across the range of forensic specialties that they need advice on.
- 5.5. **What is ‘independence’?** The need for the register to be transparently independent has been highlighted above. Several other sources have also pointed to independence being a fundamental requirement of the register, not least CRFP themselves who cite independence as a main plank in their retention of the registration process. Skills for Justice and the Forensic Science Society also hold their independence to be their strength in this matter (both have submitted papers to the Regulator setting out their willingness to be involved in managing a register of practitioners).

- 5.6. The Forensic Science Regulator and Forensic Science Advisory Council are both independent in operation although funded through the Home Office. UKAS is a national and independent accreditation body.
- 5.7. If independence is taken to mean free from direct political influence or that of prosecution, investigation or defence, then each of the above organisations can justify a claim to be independent.
- 5.8. **Assessment.** Registration simply confirms that at a single point in time a person had the knowledge and skills to perform a role competently and that they had demonstrated that competence in the very recent past. The possession of qualifications and registration does not guarantee a person's future competence. Qualifications and registration indicate that a person has the potential to perform competently in the future.
- 5.9. A key requirement in retaining the status of a competent practitioner is for a person to demonstrate that they have continued to perform competently in their role. Evidence of this will be captured in an individual's work-place assessment and annual appraisal. It is assumed that unless there is evidence to the contrary within the annual appraisal that an individual has continued to perform competently.
- 5.10. Annual appraisals need to be quality assured at a local level and dip sampled at national level to ensure consistency both in quality and assessment. In addition, each employer needs to meet minimum standards for their annual appraisal system.
- 5.11. For continued competence of individuals to be effectively assessed it is generally considered that assessment should be done in the workplace by competent line managers. This is covered further in the earlier section on the National Occupational Standards.
- 5.12. **'Forensic science' and 'forensic practitioner'?** What is meant by the term 'forensic science' is open to considerable debate and even argument. For the purpose of the regulation of forensic science it is taken to be any scientific or technical knowledge that is applied to the

investigation of crime and the evaluation of evidence to assist the courts in resolving questions of fact in criminal cases. The term 'forensic scientist' covers only one section of those people involved in the forensic process and for our purposes the term 'forensic practitioner' is used in order to include the work of all those who contribute to the collection, analysis and reporting of the evidence. The term is widely used and covers a number of different roles within the CJS:

- The forensic scientist practitioner who is currently employed by one of the larger providers. These make up approximately 16% of the CRFP register.
- The forensic technical practitioner who is generally employed by a police service or other law enforcement agency (crime scene examiners, in-force High-Tech crime units, fingerprint experts). These make up approximately 71% of the CRFP register.
- Independent forensic consultancies who are generally small businesses or sole traders who earn their living providing advice on forensic science within the CJS. There are also expert witnesses whose income is not primarily derived from their role in the CJS. These may be occasional witnesses due to their knowledge of their own particular profession. Together, this group make up about 13% of the register.

5.13. **Can the functions of the registration process be separated?** Lord Lewis' working group thought that ...'using work already done on categorisation (of the forensic science sector), for example by the S/NVQ Lead Body in forensic science (now Skills for Justice) and the Forensic science Society, it may be possible to achieve the creation of such a body over time by using the existing structures...' He went on to say that 'the working party was much impressed by the existing infrastructure and by the number of witnesses who took the firm view that harnessing and creating consistency out of existing structures would have a better chance of achieving a harmonious result than

creating a completely new structure. Acceptance by the majority of potential registrants is clearly vital for a voluntary body if it is to succeed.'

- 5.14. He clearly recognised different components in the registration process being carried out by different bodies, although saw merit at the time of an umbrella body.
- 5.15. The Forensic Science Society recognises two components to registration:
- the management and maintenance of a formal register, which includes relevant data, to which the public have access, and
 - the processes by which a person is accepted to be placed upon and removed from the register.
- 5.16. Skills for Justice expand the components to:
- determining the entry requirements to the register;
 - determining what needs to be assessed and then certificated;
 - embedding reliable and consistent assessment procedures; and
 - the certification process itself.
- 5.17. In summary, registration can be considered to consist of:
- setting the standard (determining the entry requirements);
 - assessing to the standard (most effectively in the workplace); and
 - maintaining a formal register.
- 5.18. Given the remit of the Regulator to identify where standards are needed; commission new or revised standards; assign priorities; monitor effectiveness, performance and compliance; and work with other organisations to achieve these goals, we were not persuaded

that any benefit arose from all of these components being carried out by one umbrella body.

- 5.19. **What is meant by ‘mandatory’?** The term has been used by CRFP, Skills for Justice and the Forensic Science Society as a requirement for a (cost) effective register.
- 5.20. If mandatory means a ‘licence to practice’ as in the medical profession, then it has to be enshrined in statute and removal from the register means that it is illegal for the individual to practice.
- 5.21. Clearly the courts will admit expert opinion evidence based on individual circumstances and introduction of mandatory registration could be seen to threaten the principle of judicial discretion.
- 5.22. Early in 2008, the Office for Criminal Justice Reform explored the issue of mandatory registration of expert witness. They reached the view, after consultation with the senior judiciary, that it is not appropriate to mandate the registration of expert witnesses and decided against recommending any changes to the law to make registration mandatory. They concluded that registration of experts is a matter for policy, not for the law.
- 5.23. Probably the best that can be achieved is by using the market to demand registration. If purchasers of forensic expertise (police service contracts for the investigation, CPS for the prosecution and Legal Services Commission for the defence) insisted that providers (including police in-house provision) were registered, the market would dictate commitment to the register. This has already been shown to work to a large extent with Home Office Registered Forensic Pathologists.
- 5.24. The NPIA procurement framework for forensic science does state that providers must comply with the standards set by the Regulator. It has been agreed that this requirement will be expanded to include any requirements to establish practitioner competence. In effect, the police as purchasers of forensic services will require a level of regulation of some practitioners.

6. OPTIONS

- 6.1. Here we address a number of possible options for reassuring the Courts that the witnesses giving scientific evidence are appropriately and properly qualified to do so, and are competent. In the next section we consider the benefits and problems with each option.
- 6.2. **Retain CRFP.** This is an obvious option to be considered. It effectively means continued public funding of CRFP and would require a significant drive to increase registration.
- 6.3. However, we must recognise the changing quality standards landscape and take into consideration the new National Occupational Standards, the wider standards framework being developed by the Regulator, the expanding use of accreditation to ISO standards (which incorporate practitioner competence) and the development of 'industry specific' standards.
- 6.4. The modern regulation of quality standards across all sections of the forensic community will involve some form of independent assessment of a broad range of standards at a level that goes beyond the single dimension of practitioner competence. CRFP is not equipped or established to address these broader requirements.
- 6.5. **Skills for Justice proposal.** Skills for Justice have submitted a detailed proposal to take over the CRFP register and to significantly remodel it around the National Occupational Standards. The full proposal is attached at Appendix III.
- 6.6. This option will still require initial public funding and retains a separate level of practitioner competence assessment, but, like the CRFP register, does not cover the need for assessment of standards at others levels.
- 6.7. **Combined approach.** In its deliberations, the Regulator's Practitioner Standards Specialist Group concluded that 'one size does not fit all.' The need for a register of forensic practitioners was recognised but

there should be different routes to achieve registration, as opposed to the current single route via external paper based assessment. Each route should recognise the wider standards context that each practitioner is working in.

- 6.8. The view of the Regulator is that there should be a comprehensive standards framework operating at three levels: provider, practitioner and method. This framework allows for the regulation of practitioners that recognises the appropriate quality systems that many practitioners will be employed within. In line with the principles of good regulation, provided that there is independent oversight of such quality systems, then it is not appropriate to demand another layer of practitioner assessment and regulation.
- 6.9. Equally, a practitioner who is self-employed or employed by an organisation that is not accredited to suitable ISO standards will require a route to the register that involves independent assessment of competence, with revalidation on a regular basis.
- 6.10. This option requires the maintenance of a register, with two routes to that register. Entry to the register could also require agreement to a code of practice.
- 6.11. UKAS accreditation of an organisation against the appropriate standards would lead to the practitioners within that organisation being allowed onto the register.
- 6.12. There would need to be another process for the independent assessment of practitioners choosing not to take the UKAS accreditation route.
- 6.13. **Single accreditation approach.** Accreditation to ISO 17025 and / or ISO 17020, and adoption of the National Occupational Standards will provide a comprehensive standards framework. The future development of a set of 'industry specific' standards will offer additional options for all operators, be they large companies, small companies, partnerships, sole traders, or law enforcement bodies. All will be able

to apply for accreditation by UKAS against the standard. However, this is yet to be consulted on.

- 6.14. Accreditation by UKAS results in a copy of the accreditation schedule being placed on the UKAS public facing database that is accessible and searchable via the internet. The schedule makes it clear what is accredited, for example the methods used within a particular laboratory.
- 6.15. Individuals would be registered under their name; organisations would be registered under the organisations name and would have to be in a position to identify their practitioners.

7. PARTIAL IMPACT ASSESSMENT

- 7.1. The costs and benefits of each of the above options can be assessed. In doing so it is necessary to recognise some a difference in the approaches taken by CRFP, Skills for Justice and UKAS.
- 7.2. CRFP rely on teams of specialist assessors to assess each applicant's portfolio of work and to decide on competence. This is overseen by lead assessors.
- 7.3. Assessors receive a £40 fixed fee for each assessment. Assessments take varying lengths of time to complete, typically between 2 to 8 hours. Assessors approach this work in different ways, some undertake the work in their own time, some are allowed time by their employers to undertake the work with the fee being paid to the employer. Others use a combination of work time and their own time.
- 7.4. This process therefore relies on the good will of the assessors and sometimes their employers, the fee most often does not cover the time spent on each assessment.
- 7.5. The good will offered by assessors is evidence of their commitment to the whole process of assessing competence of their peers. However, it does not allow for equal comparison with the other options where the effort of assessment is fully costed and charged for.

CRFP

- 7.6. CRFP charge registrants £165 per annum. This is set to increase to £170 but the lower figure is used in this assessment. For the year 2009 it is estimated that CRFP will undertake 1,100 assessments (registrants are assessed on application then every 4 years thereafter).
- 7.7. The current half-year accounts for CRFP have been used to calculate a set of full year accounts from which we can assume (based on an examination of CRFP processes and accounts by independent consultants):

Income (£000)	
Grant	158
Registration fees	503
Total	661
Expenditure (£000)	
Assessments	190
Running the register	134
Expanding the register	174
Governance	159
Total	657

7.8. The registration process involves assessment by a CRFP assessor of evidence submitted by an applicant. Assessors are paid £40 for each assessment. The time taken to complete an assessment varies and ranges from approximately 2 to 8 hours. CRFP are unable to provide a breakdown of this or any substantive data other than to estimate the average true cost of an assessment at £190. Suffice to say that the registration process is supported by the good will of the assessors and the CRFP processes.

Skills for Justice

7.9. The Skills for Justice model has been evaluated and would require grant income of £430,000 and £350,000 for years one and two respectively.

7.10. The costs of the model, are forecast as:

S4J Costs (£000)	Year 1	Year 2	Year 3	Year 4	Year 5
Grant income	430	350			
Registration income	351	298	658	573	592
Total income	781	648	658	573	592
Set up costs	398	226	69	51	46
Assessments	105	98	232	168	146
Running the Register	67	70	74	77	81
Expanding the Register	115	125	135	140	147
Governance	131	137	107	112	116
Total costs	815	656	619	548	536

7.11. The forecast is based on achieving 4,200 registrations by year 5. Skills for Justice propose to offer two routes to the register, either as a practitioner with a 'recognised' body (one assessed by Skills for Justice as maintaining competent practitioners), or as a single practitioner assessed as competent by Skills for Justice.

7.12. An initial fee of £5,000 is proposed for each recognised organisation (regardless of size) followed by an annual registration fee of £500. A re-registration fee would be required every 4 years. Each practitioner within the recognised organisation that is placed on the register would be charged £125 per year.

7.13. Individuals would be charged at initial fee of £550 followed by an annual fee of £170 and a re-registration fee of £550 after 4 years.

UKAS

7.14. UKAS currently accredits most of the commercial providers. A small number of police forces are preparing for accreditation against ISO 17025 on top of the ISO 9001 certification they have in place.

7.15. UKAS can accredit organisations, including sole traders, against ISO 17025. The costs shown below are those estimated for an organisation with a moderate range of activities.

Cost of accreditation (£000)	Year 1	Year 2	Year 3	Year 4
Application fee	1	-	-	-
Pre Assessment	7	-	-	-
Initial assessment	12	-	-	-
Surveillance visits	9	9	9	
Full assessment	-	-	-	9
Total cost	29	9	9	9

7.16. For ISO 17025 UKAS operate an application process, followed by pre-assessment work to review quality management documents, then an initial assessment visit after which accreditation can be achieved. About 6 months after accreditation the first annual surveillance visit is made. Every four years a repeat full-assessment is made.

7.17. UKAS do not yet know the costs for accreditation to ISO 17020 or any other standards for forensic work but the costs for ISO 17025 can be taken as a likely benchmark.

7.18. Accreditation against the Regulator’s ‘industry specific’ standards are expected to be slightly more than that for ISO 17025 because of the additional work required.

Examples

7.19. A police force employing 82 forensic practitioners has been assessed as an example. The force currently has ISO 9001 in place for all its forensic functions.

7.20. The example assumes that all 82 practitioners are registered and shows the costs to the force of each of the above models:

	Year 1	Year 2	Year 3	Year 4	Total
CRFP	13,530*	13,530**	13,530	13,530	54,120
S4J	15,250	10,750	10,750	10,750	47,500
UKAS	30,000	10,000	10,000	10,000	60,000

7.21. The force currently spends £2,400 per year as fees to the certification body for its ISO 9001 certification.

7.22. The figures for the UKAS costs have been marginally increased to allow for some additional work to assess against the ‘industry specific’ standards, if and when they are adopted.

7.23. It must be noted that law enforcement bodies will be expected to meet the same standards as commercial suppliers for any in-house forensic activity that, if done by a commercial provider, would require accreditation by UKAS. Also, there is a growing expectation that crime scene examination should be accredited. All of this is taken into account in the Regulator’s ‘industry specific’ standards.

7.24. Therefore, the costs shown for the CRFP and Skills for Justice models do not include any costs for UKAS accreditation that will still be required over and above the practitioner registration.

- 7.25. The costs for commercial organisation are less complicated. All providers are currently accredited to ISO 17025 or are applying for accreditation. A number also have ISO 9001 certification or are applying for certification and all have some practitioners registered with CRFP.
- 7.26. In order to obtain and retain their UKAS accreditation commercial suppliers will be assessed across a range of issues, including the competence of their staff. This is a robust assessment, directed by the ILAC G19 document. It involves examination of individual training records, individual performance and competence, and interviews with some staff members, usually by technical assessors.
- 7.27. A medium sized forensic company, employing 82 scientists currently registered with CRFP will achieve savings of £54,120 over a four year period.
- 7.28. UKAS are currently unable to give detailed costs for the assessment of sole traders against any standards. Such assessments are possible, but detailed costs are not yet available. The best estimate UKAS can give for the assessment of an individual forensic practitioner against any standards are:

	Year 1	Year 2	Year 3	Year 4	Total
UKAS	£1,625	£650	£1,300	£650	£4,225

- 7.29. The same practitioner registered with CRFP would have to spend £660 (or £825 if adjusted for the true assessor costs). However, the UKAS assessment will provide a broader assessment over and above practitioner competence and will include: quality systems, equipment, and a range of aspects covered by the broader standards.

Benefits analysis

	Advantages	Disadvantages
CRFP registration	<p>Currently in existence</p> <p>Covers sole traders</p> <p>Public facing register</p> <p>Low first year costs</p> <p>Supported by sole traders and small companies</p>	<p>Unlikely to become self-funding</p> <p>Single competence assessment with no consideration of wider quality issues</p> <p>Remote, paper based assessment</p> <p>Not currently built on the National Occupational Standards</p> <p>Lacks support from law-enforcement bodies and large commercial providers</p>

<p>Skills for Justice Registration</p>	<p>Work place assessment Based on the National Occupational Standards Lowest cost option for practitioner competence Skills Councils experience in managing practitioner registration</p>	<p>Requires start-up funding Single competence assessment with no consideration of wider quality issues</p>
<p>UKAS accreditation</p>	<p>Sole national accreditation body Will assess and accredit against all the required standards Includes assessments of individual competence Can accredit sole traders Established and already assessing many forensic providers Workplace assessments Self financing</p>	<p>High first year costs Public facing register of accredited bodies and sole traders but not all practitioners Accreditation does not currently involve the National Occupational Standards</p>

8. RECOMMENDATION

- 8.1. The majority of forensic practitioners work within organisations that will be required to be assessed against ISO standards. These standards already include robust assessments of practitioner competence that will be enhanced further by the roll-out of the new National Occupational Standards and the publication of the Regulator's industry specific standards. An important component of the assessment process will be the on-going assessment of individual competence in the work-place overlaid by accreditation as evidence of compliance with the standards.
- 8.2. This approach is designed to move standards and the accreditation against them to a new level, with accountability for standards clearly placed on the shoulders of top management. This approach is supported by ACPO and major providers who between them make up the large majority of the practitioner population. It also has the support of the Forensic Science Advisory Council, the NPIA and the Crown Prosecution Service.
- 8.3. *The Regulator takes the view that it is unnecessary and disproportionate to demand further levels of practitioner assessment through the CRFP process, and questions what additional benefits, if any, registration with CRFP can add.*
- 8.4. The overwhelmingly sensible and most viable option is to use UKAS to assess and accredit against all the standards that are expected, standards that include more than adequate assessment of practitioner competence.
- 8.5. The weakness in this recommended option is the increasing costs that are likely to be placed on sole traders or individual practitioners who opt to become accredited. However, UKAS accreditation will assess them to a wider and higher standard than the current process can. It must also be remembered that a section of this group are expert

witnesses who are not full-time forensic practitioners (see paragraph 3.54).

- 8.6. The figures provided by UKAS are provisional; **it is recommended that UKAS works with the Regulator to develop a fees structure that covers all types of forensic practitioners.**
- 8.7. *It is important to recognise that individual competence is a product of the culture and quality management approach of the organisation in which someone works, as much as it is a reflection of individual ability. It seems logical, whenever possible, to assess individual competence within the overall assessment of an organisation. This is the standard adopted internationally for forensic science practitioners.*

9. CONSULTATION QUESTIONS

You are welcome to comment on any aspect or part of this paper. Within the paper paragraphs in italics are points that the Regulator would particularly welcome views on. These are reproduced below:

3.30. In the meantime, all providers with any laboratory function will be expected to be accredited to ISO 17025. Any law-enforcement body with an in-house laboratory function will be expected to work to the same standard and to apply for ISO 17025 and / or ISO 17020 accreditation. This, along with the full adoption of the National Occupational Standards means that each organisation will have to maintain a high level of practitioner competence.

3.36. National Occupational Standards (NOS) - Are viewed by managers as an indispensable tool for managing a highly skilled workforce. They are used widely to support individual and organisational development and quality assurance at all levels. They provide benchmarks of good practice across the UK.

3.40. Skills for Justice recommend that NOS are used as a 'common language' and that they are the key test of practitioner competence.

4.13. The Regulator would welcome views on the current assessment and registration processes conducted by CRFP to be sure that all views and experiences are heard and considered.

8.3. The Regulator takes the view that it is unnecessary and disproportionate to demand further levels of practitioner assessment through the CRFP process, and questions what additional benefits, if any, registration with CRFP can add.

8.7. It is important to recognise that individual competence is a product of the culture and quality management approach of the organisation in which someone works, as much as it is a reflection of individual ability. It seems logical, whenever possible, to assess individual competence within the overall assessment of an organisation. This is the standard adopted internationally for forensic science practitioners.



Guidelines for Forensic Science Laboratories

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PREAMBLE

The general requirements for the competence of testing and calibration laboratories are described in ISO/IEC 17025. These requirements are designed to apply to all types of calibration and objective testing and therefore need to be interpreted with respect to the type of calibration and testing concerned and the techniques involved.

This document does not re-state all the provisions of ISO/IEC 17025 and laboratories are reminded of the need to comply with all of the relevant criteria detailed in ISO/IEC 17025. The clause numbers in this document follow those of ISO/IEC 17025 but since not all clauses require interpretation, the numbering may not be continuous.

This document may also be used by accreditation bodies to provide appropriate criteria for the assessment and accreditation of laboratories providing forensic services.

Laboratories are also reminded of the need to comply with any relevant statutory or legislative requirements.

PURPOSE

This document is intended to provide guidance for laboratories involved in forensic analysis and examination by providing application of ISO/IEC 17025.

AUTHORSHIP

This document has been produced in consultation with Working Group 4 of the ILAC Technical Accreditation Issues Committee, and approved for publication by the ILAC General Assembly in 2001.

1. SCOPE

Forensic science refers to the examination of scenes of crime, recovery of evidence, laboratory examinations, interpretation of findings and presentation of the conclusions reached for intelligence purposes or for use in court. The activities range from instrumental analysis with unequivocal results, such as blood alcohol determination and glass refractive index measurement, to the investigation of suspicious fires and vehicle accidents, to comparison work such as handwriting and toolmark examination, which is largely subjective in nature but which, with training, can produce consistent outcomes between different forensic scientists.

- 1.1** Forensic science work involves the examination of a wide range of items and substances. The following list describes the activities that may be encountered in a forensic laboratory. This does not, however, preclude other activities being undertaken in a forensic laboratory.

Controlled Substances	
<ul style="list-style-type: none"> ◆ Controlled pharmaceutical and illicit drugs ◆ Related chemicals and paraphernalia 	<ul style="list-style-type: none"> ◆ Botanical material
Toxicology	
<ul style="list-style-type: none"> ◆ Pharmaceutical products ◆ Poisons 	<ul style="list-style-type: none"> ◆ Alcohol
Hairs, Blood, Body Fluids and Tissues	
<ul style="list-style-type: none"> ◆ Serology 	<ul style="list-style-type: none"> ◆ DNA profiling
Trace Evidence	
<ul style="list-style-type: none"> ◆ Fire debris ◆ Pyrotechnic devices ◆ Glass ◆ Paint ◆ Metals and alloys ◆ Fibres and hairs ◆ Adhesives ◆ Oils and greases ◆ Lachrymatory chemicals ◆ Fertilisers ◆ Acids ◆ Food ◆ Feedingstuffs and ancillary items ◆ Components of technical or household appliances ◆ Botanical material (excluding controlled substances) 	<ul style="list-style-type: none"> ◆ Hydrocarbon fuels ◆ Explosives and explosion debris ◆ Light filaments ◆ Vehicle components ◆ Firearm discharge residues ◆ Clothing/garments ◆ Dyes and pigments ◆ Cosmetics ◆ Soils ◆ Corrosives ◆ Alkalis ◆ Lubricants and spermicidal agents ◆ Electrical devices and components ◆ Manufacturers marks (incl serial number restoration)
Firearms and ballistics	
<ul style="list-style-type: none"> ◆ Firearms 	<ul style="list-style-type: none"> ◆ Bullets and cartridges
Handwriting and Document Examination	
<ul style="list-style-type: none"> ◆ Handwriting ◆ Paper ◆ Rubber stamps ◆ Security marks ◆ Printers and other printed objects 	<ul style="list-style-type: none"> ◆ Inks and printing materials ◆ Copiers and copied material ◆ Indentations ◆ Typewriters and typewritten material ◆ Embossing and embossed materials
Fingerprints	
<ul style="list-style-type: none"> ◆ Fingerprints ◆ Footprints 	<ul style="list-style-type: none"> ◆ Palmprints
Marks and Impressions	
<ul style="list-style-type: none"> ◆ Toolmarks ◆ Shoe prints ◆ Glove marks ◆ Toolmarks and impressions 	<ul style="list-style-type: none"> ◆ Tyre prints ◆ Fabric prints ◆ Non-friction ridge body prints

Audio, Video and Computer Analysis	
<ul style="list-style-type: none"> ◆ Audiotape recordings ◆ Language samples ◆ Image enhancement ◆ Facial mapping 	<ul style="list-style-type: none"> ◆ Speech samples ◆ Computers (hardware and software) ◆ Videogrammetry ◆ Recovery of information
Accident Investigation	
<ul style="list-style-type: none"> ◆ Tachograph charts ◆ Component failures ◆ Speed calculations ◆ Car immobiliser systems 	<ul style="list-style-type: none"> ◆ Trace evidence ◆ Unsafe loads ◆ Electrical failures
Scene Investigation	
<ul style="list-style-type: none"> ◆ Crime scene investigation ◆ Computer simulations ◆ Fire investigation 	<ul style="list-style-type: none"> ◆ Evidence recovery ◆ Photography ◆ Blood splash pattern interpretation
Forensic pathology, Entomology, Odontology	

- 1.2 The techniques adopted in the analysis and examination of forensic material cover a broad range from visual examination to sophisticated instrumental procedures. Techniques which are employed include but are not limited to:

<ul style="list-style-type: none"> ◆ Chemical colour tests ◆ Chemiluminescence ◆ Chromatography ◆ Atomic absorption and emission spectrometry ◆ Ultraviolet, infrared and visible spectrophotometry ◆ Optical and electron microscopy ◆ Serology ◆ Electrophoresis ◆ Metallurgy 	<ul style="list-style-type: none"> ◆ Autoradiography ◆ DNA analysis ◆ Mass spectrometry ◆ Nuclear magnetic resonance spectroscopy ◆ Physical measurements eg weight, volume, length, density, refractive index ◆ X-ray analysis ◆ Immunoassay ◆ Visual inspections ◆ Computer simulations
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It is anticipated that the majority of the work carried out in forensic science laboratories will be capable of satisfying the definition of an objective test, although in some instances a different emphasis may be placed on the particular aspect of 'control' required. The level of training and experience for staff involved in the work will be dependent on the nature of the examination or test.

2. REFERENCES

ISO/IEC 17025:1999, *General requirements for the competence of testing and calibration laboratories*.

ISO/IEC Guide 2, *General terms and their definitions concerning standardisation and related activities*.

ISO Guide 30:1992, *Terms and definitions used in connection with reference materials*.

ILAC-P10: 2002, *ILAC Policy on Traceability of Measurement Results*

ILAC-G2: 1994, *Traceability of measurements*

3. TERMS AND DEFINITIONS

For the purposes of the Guide, the relevant terms and definitions given in ISO/IEC Guide 2 apply.

Objective Test

A test which having been documented and validated is under control so that it can be demonstrated that all appropriately trained staff will obtain the same results within defined limits. These defined limits relate to expressions of degrees of probability as well as numerical values.

Objective tests will be controlled by:

- ◆ documentation of the test
- ◆ validation of the test
- ◆ training and authorisation of staff
- ◆ maintenance of equipment

and where appropriate by;

- ◆ calibration of equipment
- ◆ use of appropriate reference materials
- ◆ provision of guidance for interpretation
- ◆ checking of results
- ◆ testing of staff proficiency
- ◆ recording of equipment/test performance

Visual inspection, qualitative examinations and computer simulations are included in the definition of objective test.

Reference Collection

A collection of stable materials, substances, objects or artefacts of known properties or origin that may be used in the determination of the properties or origins of unknown items.

Court Statement

A written report of the results and interpretations of forensic tests/examinations submitted to court. Such reports may be in a format prescribed in legislation.

4. MANAGEMENT REQUIREMENTS

4.12 Control of Records

- 4.12.2.1 a) The forensic science laboratory should have documented procedures to ensure that it maintains a coordinated record relating to each case under investigation. The information that is to be included in case records should be documented and may include records of telephone conversations, evidence receipts, descriptions of evidence packaging and seals, subpoenas, records of observations and test/examination results, reference to procedures used, diagrams, print-outs, autoradiographs, photographs, etc. In general, the records required to support conclusions should be such that in the absence of the analyst/examiner, another competent analyst/examiner could evaluate what had been performed and interpret the data.
- b) Where instrumental analyses are conducted, operating parameters should be recorded.
- c) Where appropriate, observations or test results should be preserved by photography or electronic scanning (eg electrophoretic runs, physical matches). Photocopies, tracings or hand-drawn facsimiles may also be suitable (eg thin-layer chromatography results, questioned documents).
- d) When a test result or observation is rejected, the reason(s) should be recorded.
- e) Calculations and data transfers which do not form part of a validated electronic process should be checked, preferably by a second person. The case record should include an indication that such checks have been carried out and by whom.
- f) Each page of every document in the case record should be traceable to the analyst/examiner and where appropriate, to a uniquely identified case or exhibit. It should be clear from the case record who has performed all stages of the analysis/examination and when each stage of the analysis/examination was performed (eg relevant date(s)).
- g) Laboratory generated examination records should be paginated using a page numbering system which indicates the total number of pages.
- h) The laboratory should have documented policies and procedures for the review of case records, including test reports.

Where independent checks on critical findings are carried out by other authorised personnel, the records should indicate that each critical finding has been checked and agreed and by whom the checks were performed. This may be indicated in a number of ways including

entries against each finding, entry on a summary of findings or a statement to this effect in the records.

5. TECHNICAL REQUIREMENTS

5.2 Personnel

- 5.2.1 The laboratory should have a defined policy that ensures that all staff working in the laboratory are competent to perform the work required. The term 'competent' implies possessing the requisite knowledge, skills and abilities to perform the job. The laboratory's policy should also include procedures for retraining and maintenance of skills and expertise.

Where test or technique specific training is given, acceptance criteria should be assigned eg observation of the relevant tests or analyses by an experienced officer, satisfactory performance in the analysis of quality control/quality assurance samples, correlation of results with those obtained by other trained staff. Where necessary, training programs should also include training in the presentation of evidence in court.

- 5.2.5 A laboratory should have clear statements of the competencies required for all jobs and records should be maintained to demonstrate that all staff are competent for the jobs they are asked to carry out.

Each laboratory or section should maintain an up-to-date record of the training that each member of staff has received. These records should include academic and professional qualifications, external or internal courses attended and relevant training (and retraining, where necessary) received whilst working in the laboratory.

Records should be sufficiently detailed to provide evidence that staff performing particular tasks have been properly trained and that their subsequent ability to perform these tests has been formally assessed.

5.3 Accommodation and Environmental Conditions

- 5.3.3 Special care is needed in forensic testing laboratories involved in the analysis or determination of trace levels of materials, including DNA. Physical separation of high-level and low-level work is required. Where special areas are set aside for this type of work, access to these areas should be restricted and the work undertaken carefully controlled. Appropriate records should be kept to demonstrate this control. It may also be necessary to carry out 'environmental monitoring' of equipment, work areas, clothing and consumables.

- 5.3.4 a) Access to the operational area of the laboratory should be controllable and limited. Visitors should not have unrestricted access to the operational areas of the laboratory. A record should be retained of all visitors to the operational areas of the laboratory.
- b) Evidence storage areas should be secure to prevent theft or interference and there should be limited, controlled access. The storage conditions

should be such as to prevent loss, deterioration and contamination and to maintain the integrity and identity of the evidence. This applies both before and after examinations have been performed.

5.4 Test and calibration methods and method validation

5.4.1 All methods should be fully documented including procedures for quality control, and, where appropriate, the use of reference materials.

- 5.4.2
- a) All technical procedures used by a forensic science laboratory should be fully validated before being used on casework.
 - b) Where a laboratory introduces a new (validated) method, it should first demonstrate the reliability of the procedure in-house against any documented performance characteristics of that procedure.

Records of performance verification should be maintained for future reference.

- c) Laboratories should institute a procedure to identify infrequently performed tests or analyses. For these tests or analyses, there are two methods of demonstrating competence, either of which would be equally valid. These are:
 - i. regular analysis of control samples and use of control charts even when casework samples are not being analysed; or
 - ii. reverification before the test or analysis in question is performed on a casework sample involving at least the use of an appropriate reference material, followed by replicate testing or analysis of the real sample.
- d) The quality of standard materials and reagents should be adequate for the procedure used. Lot/batch numbers of standard materials and critical reagents should be recorded. All critical reagents should be tested for their reliability.

Standard materials and reagents should be labelled with:

- ◆ name;
- ◆ concentration, where appropriate;
- ◆ preparation date and/or expiry date;
- ◆ identity of preparer;
- ◆ storage conditions, if relevant;
- ◆ hazard warning, where necessary.

5.4.5.1 All technical procedures used by a forensic science laboratory must be fully validated before being used on casework.

Methods may be validated by comparison with other established methods using certified reference materials (where available) or materials of known

characteristics. In validating test methods, the following issues (among others) may need to be determined, as appropriate:

- ♦ matrix effects
- ♦ interferences
- ♦ sample homogeneity
- ♦ concentration ranges
- ♦ specificity
- ♦ stability of measured compounds
- ♦ linearity range
- ♦ population distribution
- ♦ precision
- ♦ measurement uncertainty

Validation studies can be conducted by the scientific community (as in the case of standard or published methods) or by the forensic science laboratory itself (as in the case of methods developed inhouse or where significant modifications are made to previously validated methods).

5.5 Equipment

5.5.2 As part of a quality system, all laboratories are required to operate a program for the maintenance and calibration of equipment used in the laboratory. The equipment used in a forensic science laboratory is diverse and will range across a number of different scientific and technical disciplines.

a) General service equipment not directly used for making measurements (e.g. hot plates, stirrers, non-volumetric glassware, cameras, refrigerators, thermal cyclers). Such equipment will typically be maintained by visual examination, safety checks and cleaning as necessary. Calibrations or performance checks will only be necessary where the equipment setting can significantly affect the test or analytical result (eg temperature of a muffle furnace or constant temperature bath).

b) Microscopes including attachments

Microscopes should be cleaned and serviced periodically. Steps should be taken to ensure that microscopes are properly set up for use and are used only by competent staff. Where microscopes are used for measurement the guidance given in paragraph d) applies.

c) Volumetric equipment

Volumetric equipment will typically be maintained by visual examination and cleaning but calibration and performance checks will need to be carried out before initial use and at intervals depending on the type and frequency of use.

d) Measuring instruments - thermometers, balances, densitometers, chromatographs, spectrometers and spectrophotometers, refractometers, autoanalysers, DNA sequencers.

Correct use combined with periodic servicing, cleaning and calibration will not necessarily ensure that a measuring instrument or detection system is performing adequately. Therefore, where appropriate, periodic performance checks shall be carried out and predetermined limits of acceptability shall be assigned. The frequency of such performance checks should be determined by need, type and previous performance of the equipment.

It is often possible to build performance checks or system suitability checks into test methods (eg chromatographic systems, measurement of glass refractive index). These checks should be documented and should be satisfactorily completed before the equipment is used or before results are accepted.

- e) Computers and data processors.

5.6 Measurement traceability

5.6.1 Individual calibration programs should be established depending on the specific requirements of the testing or analytical work being carried out. It will normally be necessary to check instrument calibration after any shut down, whether deliberate or otherwise, and following service or other substantial maintenance. In general, calibration intervals should not be less stringent than manufacturers' recommendations.

5.6.2.2.2 For many types of analysis, 'calibration' may be carried out using synthetic standards containing the analytes under test, prepared within the laboratory from chemicals of known purity and composition, or matrix matched standards. Alternatively, 'standard' solutions may be purchased. Many chemicals can be purchased with manufacturer's statements or certificates. Wherever possible, laboratories should obtain supplies of chemical standards from competent suppliers.

5.6.3.2 Reference collections of data or items/materials encountered in casework which are maintained for identification, comparison or interpretation purposes (eg mass spectra, motor vehicle paints or headlamp lenses, drug samples, typewriter printstyles, wood fragments, bullets, cartridges, DNA profiles, frequency databases) should be fully documented, uniquely identified and properly controlled.

5.7 Sampling

5.7.1 Selection, recovery, prioritisation and sampling of materials from submitted test items and from scenes of crime are important parts of the forensic process. In the area of forensic science emphasis is placed on the competence of the scientist and the training of staff in these activities is therefore of prime importance. Laboratories should ensure that there are documented procedures and training programs to cover this aspect of their work and that detailed competency/training records are kept for all staff involved.

5.8 Handling of test and calibration items

- 5.8.1 For legal purposes, forensic science laboratories should be able to demonstrate that the items/samples examined and reported on were those submitted to the laboratory. A 'chain of custody' record should be maintained from the receipt of items/samples which details each person who takes possession of an item or alternatively the location of that item (eg if in storage).
- 5.8.4 There should be documented procedures which describe the measures taken to secure exhibits in the process of being examined which must be left unattended.

5.9 Assuring the quality of test and calibration results

- 5.9.1 a) Analytical performance should be monitored by operating quality control schemes which are appropriate to the type and frequency of testing undertaken by a laboratory. The range of quality control activities available to laboratories includes the use of:
- ◆ reference collections;
 - ◆ certified reference materials and internally generated reference materials;
 - ◆ statistical tables;
 - ◆ positive and negative controls;
 - ◆ control charts;
 - ◆ replicate testing;
 - ◆ alternative methods;
 - ◆ repeat testing;
 - ◆ spiked samples, standard additions and internal standards;
 - ◆ independent checks (verification) by other authorised personnel.

Depending on the particular test being performed, the laboratory may make use of one or several of these examples to demonstrate that the test or examination is 'under control'.

The quality control procedures necessary in any particular area of work should be determined by the laboratory responsible for the work, based on best professional practice. The procedures should be documented and records should be retained to show that all appropriate QC measures have been taken, that all QC results are acceptable or, if not, that remedial action has been taken.

- b) An effective means for a forensic science laboratory to monitor its performance, both against its own requirements and against the performance of peer laboratories, is to take part in proficiency testing programs. When participating in proficiency testing programs, the laboratory's own documented test procedures should be used. Performance in the programs should be reviewed regularly and where necessary, corrective action should be taken.

Proficiency testing records should include:

- ◆ full details of the analyses/examinations undertaken and the results and conclusions obtained;
 - ◆ an indication that performance has been reviewed;
 - ◆ details of the corrective action undertaken, where necessary.
- c) The laboratory should have and follow a documented procedure whereby the testimony of each examiner is monitored on a regular basis. The evaluation should include appearance, performance and effectiveness of presentation. The monitoring procedure should also prescribe the remedial action that is to be taken should the evaluation be less than satisfactory.

5.10 Reporting the results

5.10.2 It is accepted that forensic science laboratories may not be able to include all of the items in 'Court Statements' that are detailed in sub-clause 5.10 of ISO/IEC 17025 as the format of these documents is prescribed in legislation. Forensic science laboratories may therefore elect to adopt one or more of the following means of meeting these requirements.

- ◆ the preparation of a test report which includes all of the information required by ISO/IEC 17025;
- ◆ the preparation of an annex to the Court Statement which includes any additional information required by ISO/IEC 17025;
- ◆ ensuring that the case record relating to a specific investigation contains all the relevant information required by ISO/IEC 17025.

ANNEX: BIBLIOGRAPHY

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CRFP's submission to the Forensic Science Regulator's Review of the optimal national approach to the registration of forensic practitioners

19 August 2008

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2. CRFP – facts and figures
3. Developments in the forensic landscape
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1. Executive summary

- 1.1 CRFP welcomes the opportunity to contribute to the Forensic Science Regulator's Review.

Background

- 1.2 The Forensic Science Working Group (FSWG), chaired by Lord Jack Lewis, produced a Report in November 1997. This recommended that an independent registration council for forensic practitioners was necessary to secure the confidence of the Courts and the public in the competence of forensic practitioners.¹
- 1.3 Consequently, the Government, with full cross-party support, established CRFP in September 1999 in the form of a company limited by guarantee, with a Memorandum and Articles of Association which provided for a Governing Council, an Executive Board and Sector Assessment Panels, which consider applications from specialties for admission to the register. CRFP has operated on this basis since that date, with progressive constitutional changes made in 2006 to bring the organisation into line with current regulatory practice and corporate best practice. Constitutional arrangements for regulatory bodies are under renewed focus and CRFP maintains a watching brief on these matters, which are subject to on-going review.

Current status

- 1.4 CRFP is acknowledged and accepted as the dominant player in the field of forensic regulation of individuals. No other organisation has the expertise or facilities properly to accredit on an on-going basis the increasing number of forensic specialties² and the anticipated continuing developmental growth in this sector.
- 1.5 Projections of the rate of growth in the number of practitioners registered made initially by the FSWG in 1997, and subsequently by KPMG in May 2004, were unrealistic. This was partly because the original estimates of potential applicants were optimistically overstated. However, the fundamental factor is that the system is voluntary and not mandatory.³

¹ Relevant sections in the Report are marked by footnotes.

² Currently nearly 30; listed in Annex A.

³ The term 'mandatory' can refer to a statutory requirement or registration imposed as a condition of employment by employers, or as a procedural expectation of Courts and other users, which would depend on the cultural underpinning and sanctions available.

- 1.6 The forensic landscape has become more complex and has acquired a more international perspective since the FSWG Report was compiled.

Current potential

- 1.7 The original rationale for the creation of CRFP remains as relevant and important today. The introduction of the Human Rights Act 1998 enshrined in domestic law the rights and freedoms guaranteed under the European Convention on Human Rights. The body of case law from this Act has led to a cultural expectation in society of the need for a professional body that is independent of the Government, police and Judiciary. Scientific developments over time have led to an increased reliance upon forensic evidence in securing justice both for victims of crime and those charged with offences, as well as in the arena of civil cases. The Courts and the public need to have confidence in the competence and quality of forensic practitioners, knowing that their skills and expertise are properly accredited and assessed on an on-going basis to ensure they remain current. Recent media-reported controversies, in regard to concerns about evidence presented by certain individual practitioners, have led to disproportionate costs being incurred by Government bodies in reviewing thousands of cases, as well as potential costs of compensation in regard to miscarriages of justice. Each reported controversy undermines the confidence of the public in the justice of the Courts, Tribunals and in other regulatory systems.
- 1.8 To prevent potential conflicts of interest there is a need to continue the current separation between CRFP, which deals with regulation, and those professional membership bodies whose primary aim is to promote the interests of their members. To secure public confidence in the criminal and civil judicial systems, it is CRFP's firm view that it should be retained as the overarching regulatory body for all forensic practitioners and be provided with adequate resources to do so. It may well be that in the future, professional membership bodies whose main focus is to promote the interests of their members may amalgamate to maximise the utility of their resources.
- 1.9 This submission paper presents an evidence-based case to the Review of the proven value provided by CRFP registration in its role as the main independent accreditation organisation for forensic practitioners. It is possible that other bodies might seek to fulfil this role through open competition, although this could be financially and culturally counter-productive, and is not in the best interests of Government or the public. The function of regulation of forensic practitioners in this important field requires a clear and sufficient independence from Governmental bodies and the police, whilst delivering a valuable public service which operates in the best interests of the judicial process thereby securing the confidence of the public.
- 1.10 It is accepted there is an unequivocal need for a single body to oversee regulation and to agree strategy and implement policies based on best practice principles, operating under a set of transparent systems to disseminate the purposes and processes to the Courts and the public, with a line of accountability to Parliament.

Responsiveness

- 1.11 CRFP currently continues to meet the majority of these requirements and has quality as a core value. The original business model and projections envisaged by the FSWG Report require review and remodelling. CRFP is currently reviewing its objectives, strategies and processes and welcomes input from the Regulator, Ministers and other stakeholders to inform its future business plan for the services required. CRFP is 'fit for purpose' in regard to this proposed new regulation model, which would encompass not only the UK but also European and other international interests to present a global forensic service.

- 1.12 The development of a replacement or additional body to take over CRFP's functions would be otiose and incur very significant and unnecessary costs. Indeed CRFP suggests that such a proposal, were it to be made, would be perverse. CRFP is well placed to progress the work required, in consultation with the Regulator and stakeholders, and to forge a new future for the regulation of all forensic practitioners.
- 1.13 CRFP aims, ultimately, to register all forensic practitioners through a simple, uniform accreditation scheme. This will be either direct registration in the UK domestic market or through a formal system of 'equivalence' for international practitioners.⁴ For those specialties not currently encompassed by the register, mechanisms will be introduced to guide enquirers to other relevant and CRFP-endorsed lists.
- 1.14 In particular, the CRFP system should continue to apply to personnel involved in police organisations, thereby endorsing the independence and credibility of police witnesses required to adhere to Convention rights by the Judiciary and to provide public confidence. Some police forces have independent quality validation, and whilst CRFP notes that this step acknowledges the need for external audit of police performance, it maintains that the existing CRFP registration system provides the overarching uniform approach preferred by the Courts. This enables a known value to be attributed to the accreditation claimed by the individual.
- 1.15 CRFP will continue to contribute to external developments in standard-setting in the forensic arena and will embrace those which are of sufficient quality to enhance the service it provides.
- 1.16 CRFP is reviewing its current constitutional basis to ensure it is best suited to continue to deliver a registration and regulation service in the longer term. CRFP is consulting with stakeholders and will enter into dialogue with partners involved in the judicial systems, particularly the Regulator and Ministers, to make any necessary adjustments to facilitate this. This includes consideration of a change of constitution to a Non-Departmental Public Body. CRFP undertakes to scope, consult and act on recommendations for the future governance structure of CRFP, which will ensure it continues to serve the needs of all its stakeholders. CRFP will preserve the high quality of its current governance system, with a Board comprising lay and professional members, whose appropriateness for public office is evidenced by the combination of excellent experience and professional qualifications, appointed through open competition, as well as those members nominated by the Lord Chancellor, the Home Office and other key stakeholders.⁵

Public funding

- 1.17 In order to continue to provide the level of service to the forensic community for which CRFP is valued, appropriate levels of public funding based on a more realistic business model and projections will be required. The obligations placed on CRFP through its use of public funds, and the Government's commitment to such regulation, will engender a positive culture within the forensic profession and the diverse community it serves. The interests of all stakeholders will be served through this important and effective use of public funds.
- 1.18 CRFP feels that the current funding route, via the NPIA, may be unhelpful in terms of the public perception and will take advice on the appropriate source of future funding.
- 1.19 Key to the quantum of such funding is the need for a clear steer by Ministers and the Regulator on future government policy in this field of forensic regulation. It is envisaged that three registration scenarios could be considered which would inform future permanent funding arrangements:

⁴ Similar to that operated by the General Medical Council in relation to EEA doctors.

⁵ A list of current Board members is given at Annex C

- statutory registration;
- registration as a condition of employment or practice in this field;
- voluntary registration.

1.20 It is evident that provisions for interim funding arrangements will need to be agreed until the findings and recommendations of the Regulator are submitted and Ministerial decisions are implemented.

2. CRFP – facts and figures

2.1 CRFP has:

- 2730 individual registrants, some of whom are registered in more than one specialty. On average over 30 forensic practitioners join the register each month.⁶
- registrants who are revalidating after four years on the register;
- opened its register to 26 specialties⁷ ranging from small ones like archaeology (registrants were involved in the recent excavations at Haut de la Garenne, Jersey), through the scientific specialties (registrants gave key evidence in the cases of Harold Shipman and Barry George), and large specialties (including scene examination, which has over 1200 registrants);
- a Code of Conduct which was adopted by Interpol in relation to fingerprint examination soon after its evolution;
- appropriate and effective fitness to practise procedures. There are currently no fewer than eight cases in the system. It is anticipated that this number will rise significantly in the event of the introduction of mandatory registration;
- a website which allows stakeholders and the public full access to its policies, practices and register.

2.2 The CRFP assessment system:

- has over 250 specialty and lead assessors, who are respected experts in their fields;
- has process verifiers appointed by the Lord Chancellor, to whom CRFP is accountable.
- is robust, being focused on recent case-work as well as taking into account qualifications, training, references, and good standing;
- provides for annual returns, and revalidation after four years;
- has the capacity to ascertain competence in court performance through the references and court competency assessment forms;
- encompasses the registration of single practitioners and small companies as well as large providers;

⁶ The take-up of registration across the specialties is shown in the pie-chart at Annex B.

⁷ Soon to be 29, with more to follow; see Annex A.

- encompasses those who give evidence for the defence as well as those working for the prosecution;
 - extends over the whole forensic process from crime scene to court, including appeals;
 - covers the civil and family Courts as well as the criminal justice system. Although the initial focus was on the criminal justice system, many CRFP registrants, for example, veterinary surgeons, work in the civil and criminal Courts. The FSWG concluded that in terms of forensic practitioners presenting evidence in court there was no distinction to be drawn between the criminal and civil processes, despite the differing standards of proof.⁸ The Report also maintained that distinctions between the application of forensic science in the civil and criminal forums are blurred.⁹
- 2.3 The Senior Presiding Judge for England and Wales and his colleagues prefer a registration system which encompasses the civil and family Courts as well as the criminal Courts.
- 2.4 CRFP provides the independent verification required by the Judiciary, users of forensic services and the public. The Judiciary needs to be able to rely on registration to provide judges with the confidence that the forensic practitioner appearing before them has high standards of professional conduct, has been recently assessed by their own professional peer group, and adheres to agreed national standards.
- 2.5 Even where the internal quality management systems of employers operate to a high standard, they are not infallible. A number of serving police officers have failed the CRFP assessment; and have been provided with support and advice to remedy the situation. Even if this had not been the case, the perception of the Judiciary and the public as to CRFP's independence is compelling.

3. Developments in the forensic landscape

- 3.1 Since CRFP was established, the forensic landscape in relation to the protection of standards has become more sophisticated. Complementing the work undertaken by the United Kingdom Accreditation Service, there now exists:
- a Ministry of Justice. CRFP is accountable to the Lord Chancellor who appoints the process verifiers for the assessment process;
 - a National Policing Improvement Agency. CRFP's grant in aid is currently received from the Home Office via the NPIA. The Chief Executive of the NPIA is the Home Office's representative on the CRFP Board;
 - Skills for Justice. CRFP is working with Skills for Justice to align the National Occupational Standards more closely with the CRFP criteria and to gain accreditation for the CRFP assessor training programme;
 - a Forensic Science Regulator. In the Regulator's threefold jurisdiction, namely organisations, processes and individuals, CRFP is the designated body for the regulation of practitioners. CRFP is represented on the Regulator's Advisory Council and appropriate Specialist Groups.

⁸ Page 6 (1.24)

⁹ Page vii (Chapter 2 Diversity of the Sector)

- 3.2 CRFP acknowledges the significant and valued contribution to the establishment and maintenance of high forensic standards by the organisations in 3.1 above. In respect of those organisations concerned directly with the standards of competence of individual practitioners, the CRFP system provides a complementary approach, essential for the protection of the integrity of the justice system. However the complexity of the forensic landscape requires streamlining and CRFP is of the view that rationalisation is required to create a unified system where users and the public are afforded clarity of understanding and reliance on the integrity and consistency of such a unified system.

4. Is a registration body needed?

- 4.1 A registration system for forensic practitioners will always be required for the same reasons cited by the FSWG in 1997. The Courts and the public require a clear and transparent way of establishing forensic competence to retain faith in the justice system and to better manage the risk of miscarriages of justice.¹⁰ There is a fundamental need to ensure that the credentials of expert witnesses are checked in a transparent and authoritative manner.¹¹
- 4.2 There are three ways of securing a conviction – by confession, witness testimony and forensic evidence. The first and second methods are increasingly subject to challenge through the appeals Courts; correspondingly there is an ever-increasing reliance on the apparent objectivity of forensic evidence in securing justice.
- 4.3 The public are increasingly aware of the importance and crucial nature of forensic evidence in securing justice. However, popular media coverage (such as the plethora of TV programmes on the subject) appears to have fuelled a misplaced belief that forensic science is flawless. Conversely however, the news media highlight the controversies of wrongly executed forensic evidence. This reflects the need for, and importance of, a robust, transparent system of regulation such as that provided by CRFP, as well as the need for a didactic and proactive approach to manage public expectations.

Distinguish regulation and representation

- 4.4 CRFP believes it is essential clearly to distinguish the conflicting roles of regulatory and membership/professional bodies, as referred to earlier in section 1.8. The FSWG Report identified this divide.¹² Two years ago, the Law Society and Bar Council lost their powers to investigate complaints against lawyers and barristers, separating out that function from their representative role. The Pharmaceutical Society is currently similarly separating these functions, to ensure there is no potential conflict of interest, and CRFP expects that other organisations will follow. With CRFP clearly constituted as and seen to be, the regulatory body in forensic practice, this separation of functions in forensic science is already achieved. Indeed CRFP is seen as the ‘kite mark’ of excellence in the regulatory field.

5. Does CRFP add value?

- 5.1 CRFP has operated for nearly nine years. It has the experience, systems and expertise to set national strategy on and systems for the registration of forensic practitioners. Furthermore, it is the body established for this purpose, with cross-party support, by the Government.

¹⁰ Stephen Lawrence, Damilola Taylor

¹¹ Gene Morrison

¹² Page vii (Chapter 3 Consultation Process)

5.2 The Director of Public Prosecutions, Sir Ken MacDonald QC, said

I believe the establishment of the CRFP will be in the coming years a valuable asset to the criminal justice system. The continued development of the CRFP, both in terms of the service provided and the expanding membership is very welcome. The CPS has a public duty to ensure appropriate witnesses are able to give their evidence in accordance with their area of expertise as well as their duty to the court. Your work in this field clearly has the scope to contribute to the maintenance of appropriate standards amongst the forensic science community.¹³

6. Should the CRFP register be the first port of call?

6.1 In practice:

- some specialties do not have a register or professional regulatory body of their own and welcome the opportunity to set and maintain standards through the CRFP system; they include the forensic anthropologists who worked on the sites of war massacres/genocide to collect evidence for use in the War Crimes Tribunal in The Hague.
- certain practitioners have dual registration, for example, doctors, dentists, veterinary surgeons, podiatrists and radiographers, with their own professional body, and with CRFP in respect of their forensic work. Their CRFP registration complements their mainstream professional registration. CRFP already has a Memorandum of Understanding with the General Medical Council and is working towards a similarly-functional exchange of letters with the Royal College of Veterinary Surgeons. The co-operation will function primarily in the fitness to practise arena. CRFP argues that its capacity to assess court-related matters, by building the assessment of forensic performance into the assessment system and soliciting independent forensic opinions to enhance the information available in a particular fitness to practise case where necessary, exceeds that of many of the other statutory bodies.
- where there is a robust external registration scheme for individuals which is of the same standard as the CRFP assessment scheme, for example, the one being developed for forensic accountancy, CRFP will consider a system of equivalence. CRFP will not contemplate a lowering of its standards in any circumstances.
- where a list of forensic practitioners is held by another organisation, those practitioners should be encouraged to apply for CRFP registration and the other lists closed down. Examples in this category include the ACPO National Register of Police and Government Department Fingerprint Experts and the Register of Accredited Forensic Pathologists. Indeed many practitioners on other lists are already CRFP registered.

6.2 CRFP believes that the distinction which is sometimes made between 'forensic practitioners' and 'experts' is arbitrary, imprecise and unhelpful. For instance, when does a general practitioner who provides occasional services as a forensic medical examiner (the new name for police surgeons) cease to be a 'forensic practitioner' and become an 'expert'? The CRFP system provides that any professional who is involved in providing evidence to court – so long as there is sufficient casework on which to assess competence – is potentially capable of registration.

¹³ Letter to CRFP dated 13 July 2006

7. Should registration be mandatory?

The attitude of the Courts

- 7.1 The FSWG Report suggested that the attitude of the Courts would play a crucial part in determining the credibility of a voluntary register.¹⁴ It is CRFP's firm view that judges must have the freedom to call any evidence they deem to be appropriate to any case.
- 7.2 In particular, the Judiciary has argued its wish to take evidence from practitioners working in very small and also in emerging specialties. CRFP deals with this by using the model it has devised for Natural Science practitioners, in which the specialty assessors are drawn from mainstream science specialties and take further advice from experts in universities where necessary.
- 7.3 Courts may wish to accept evidence from practitioners overseas. This is currently met by CRFP registering practitioners working overseas, and can be extended to those working overseas who visit the UK for short periods.

Voluntary system insufficient

- 7.4 The FSWG Report recognised that an entirely voluntary system rather than a mandatory system might not be sufficient. This has proved to be the case; the rate of growth of the register has fallen short of the projections in the Report. This purely voluntary basis is the main reason why the CRFP model, which is intrinsically sound, has not been able to deliver fully to the scale originally envisaged.
- 7.5 The FSWG suggested that the creation of a statutory basis for its activities should not be ruled out.¹⁵ Any such legislation would however take some time to progress and implement.
- 7.6 It is currently and increasingly the case that for certain large employers, registration is effectively mandatory, being required of new recruits and in the context of achieving promotion.
- 7.7 CRFP sees the Judiciary as the vital determinant in underlining the value of CRFP registration. It was always the intention that registration should be a tool for the Courts in securing justice. CRFP has made, and continues to make, considerable efforts to raise its profile within the Judiciary, having run judicial road shows and provided briefings to individual judges and relevant bodies. Recently CRFP has met and communicated with the Senior Presiding Judge for England and Wales, Lord Justice Leveson, and his colleagues. They have indicated that the Judiciary would welcome clarity in identifying the forensic competence of witnesses. CRFP has provided the evidence that CRFP registration should be the vehicle for this.

8 Can CRFP adapt to a new environment?

Constitutional issues

- 8.1 CRFP is currently a company limited by guarantee, following the recommendation in the FSWG Report. To ensure that the legal status of CRFP remains fit for purpose in the rapidly expanding and developing field of forensic science, the Board is considering many options including whether:

¹⁴ Page vii (Chapter 3 Consultation Process)

¹⁵ Page 35 (6.19, paragraph 5)

- to remain a limited company;
- to apply to be a charity (in addition to being a limited company);
- to seek to become an NDPB;
- some other future model might be appropriate, for example, that of a Charitable Incorporated Organisation.

CRFP is open to suggestions from its many stakeholders, including Government, as to the best governance arrangements to serve its core business, and is ready to respond to signals from others. Such proposals will be subject to scrutiny and due process before adoption.

8.2 The Board of CRFP is reviewing the constitution, size and membership of the governing body.

Partnerships

8.3 CRFP is actively looking to maximise the saliency of existing and future relationships with stakeholders:

- Skills for Justice (SfJ) is introducing National Occupational Standards (NOS). For existing specialties, the CRFP criteria for assessment of specialties can be readily brought into line with the NOS; indeed there is considerable consonance as they were devised by the same advisers. For new specialties, the NOS will usefully inform the CRFP criteria.
- The United Kingdom Accreditation Service (UKAS) has authority for the operation of the international standard ISO 17024; 'Conformity assessment – general requirement for bodies operating certification of persons'. Preliminary examination of the standard suggests that CRFP is already reaching compliance in terms of governance, management and procedures.
- SfJ and UKAS will also have a role in the accreditation of CRFP assessor training.
- Larger employers have their own internal quality assurance systems. The CRFP system of accrediting the competency of individuals complements these by providing an objective audit, as required by the public and the Judiciary. CRFP has already conducted two rounds of on-site assessments and is working with the Scottish Police Service Authority to extend this approach widely across the forensic science specialties in Scotland.

CRFP has been approached to administer external competency testing, but is of the opinion that there may be some conflict of interest.

Including all those involved in the production and articulation of forensic evidence

8.4 The FSWG Report mentioned its support for the view that the new body should encompass the whole of the forensic process.¹⁶

- More recently, the report by Professor Caddy on the Damilola Taylor case suggested that CRFP registration might cover forensic assistants. CRFP has had preliminary discussions with the Forensic Regulator and is working to devise an appropriate extension to the scheme for these practitioners;

¹⁶ Page 5 (1.21)

- CRFP is also giving active consideration to extending a form of registration to trainees, i.e. those who are qualified but not yet fully experienced in forensic work. This would provide the opportunity for new entrants to forensic work to be subject to the jurisdiction of the CRFP Code of Conduct in anticipation of progression to full registration;
- The CRFP scheme already caters for forensic managers in crime scene investigation who have some direct involvement in case-work. The registration of other managers and specialised staff, such as trainers, could form a natural extension to the CRFP scheme.

The Law Commission consultation document

- 8.5 An important consultation document from the Law Commission will be issued in January 2009. Should this result in substantial changes in the way the Courts vet forensic evidence, CRFP will seek to enact the necessary changes in the application of its assessment system.

Europe and visiting specialists

- 8.6 There is an increasing emphasis on harmonisation of standards across Europe. This arises from developments in the European Network of Forensic Science Institutes, and implementation of the PRUM Treaty, together with a regulation which will provide a legal framework for the provision of accreditation services. It is not yet ascertainable whether Europe will settle on a system of standard-setting based on organisations or individuals: however, the Netherlands, seen as a leader, is introducing state registration of individual practitioners.
- 8.7 Following the successful drive to increase take-up in Northern Ireland, CRFP is pursuing the extension of registration south of the border to Eire.
- 8.8 Similarly, CRFP has recently engaged in constructive discussions with representatives of the Armed Forces which have forensic staff in all the overseas bases and war zones.

9. Business considerations

Operations

- 9.1 The CRFP executive currently comprises a Chief Executive and four full time members of staff.¹⁷ There is some additional support from two part-time consultants and from Board members. CRFP has a cadre of no fewer than 250 experienced assessors and process verifiers. Overall, there is extensive, in-depth expertise incorporated in the current CRFP organisation and in its operation. Further, in line with best practice in corporate governance it has always had an independent Chairman, who leads the Board. It also runs Committees to the Board which are in line with best practice. All its practices and policies are published openly on its website and regularly explained to practitioners via newsletters and other forms of information exchange.

Finance

- 9.2 The Home Office provided start up funding with the intention that the organisation might become self-sufficient as fee income rose. The absence of a mandatory system has required the continuation of Home Office funding. The current grant in aid is currently paid by the Home Office through the NPIA. The amount receivable for the current

¹⁷ See Annex C (below list of current Board members)

financial year is small, and is due to reduce further in 2009-2010 and to cease in March 2010.

- 9.3 To continue to operate efficiently with the increased number of new applicants which would occur following the introduction of mandatory registration (in whatever form this takes), CRFP would need to employ additional processing staff. Covering these costs by increasing the registration fee (currently £165 per annum) is not recommended until a sensitivity and feasibility study is carried out. CRFP is considering an increase in the fee for registration in an additional specialty, since the current fee of £25 does not cover the administrative costs. There may be a period between the currently diminishing grant in aid and the inflow of increased funding from increased registrant numbers when the financial situation will require further small scale external support.
- 9.4 If the registration system is extended in breadth to all those involved in the forensic process, as discussed earlier in section 8.4, the necessary research and development study will have to be undertaken, which will need to be costed.
- 9.5 Currently the cost of the fitness to practise work is contained in the overall annual budget. Like all other regulators, CRFP cannot predict the number and complexity of the cases which will arise in any given period, but the Board remains confident of its ability to continue to deal with them. It is expected that a move towards a mandatory system will result in a significant increase in the amount of this work, since it has tended to be the case that those who may be borderline in terms of forensic competency have deliberately chosen to remain outside the registration system.
- 9.6 CRFP intends to prepare a detailed business plan to cover these, and any other developments. It proposes developing its draft strategic plan to cover the period 2009-2012.
- 9.7 CRFP feels that the current funding route, via the NPIA, may be unhelpful in terms of the public perception. It is for decision whether the source of continued funding should be from the Home Office, the Ministry of Justice or another source.
- 9.8 CRFP would welcome engagement in a debate as to whether any registration body should be totally self-financing. The FSWG Report uses the words *virtually self-financing*.¹⁸ Professor Sir Ian Kennedy, a former member of CRFP's Governing Council, has expressed the view that bodies acting in the public interest should retain an element of public funding for reasons of accountability. Consequently, a desire to see CRFP independent of all public funding may well be entirely misconceived.
- 9.9 In considering the costs of providing a public service it is necessary to take into account the costs which would have fallen on the public purse if the service had not been available. It is impossible to quantify the legal as well as the human costs arising from miscarriages of justice, but both are considerable. Whilst no system of registration can remove entirely such occurrences, the Judiciary and the public are assured and will continue to be assured by the presence of the tested and reliable model of CRFP in this arena.

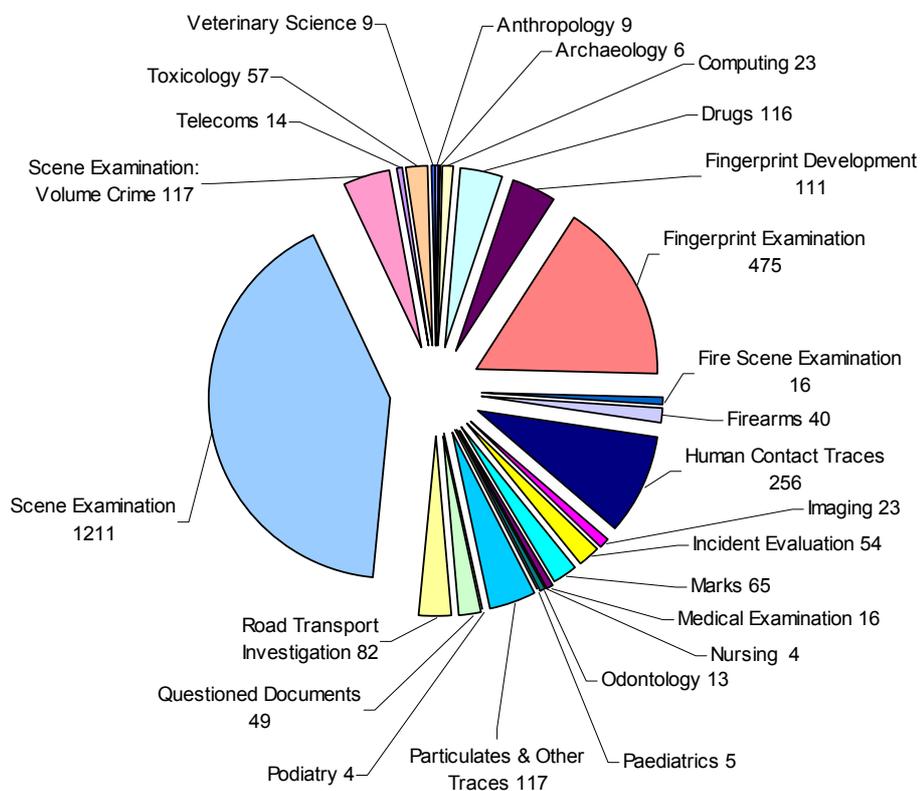
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¹⁸ Page vii (Chapter 6 Recommendation: A Registration Council for Forensic Practitioners)

List of forensic specialties to which the CRFP register is currently (as at 19 August 2008) open

- Anthropology
- Archaeology
- Audio examination and phonetics (from 1 September 2008)
- Computing
- Drugs
- Fingerprint development
- Fingerprint examination
- Fire scene examination
- Firearms
- Human contact traces
- Imaging
- Incident evaluation
- Linguistics (from 1 September 2008)
- Marks
- Medical examination
- Natural science : earth science, including geology and pedology; entomology; environmental science; hydrology; marine science; meteorology; plant science, including botany, palynology and taphonomy (from 1 September 2008)
- Nursing
- Odontology
- Paediatrics
- Particulates and other traces
- Podiatry
- Questioned documents
- Radiography
- Road transport investigation
- Scene examination
- Telecoms
- Toxicology
- Veterinary science
- Volume crime scene examination

Take-up of registration across the specialties



The Register Total - 2892

Note: The figures show the number of registrants per specialty. Some practitioners are registered in more than one specialty; as at 14 August 2008, there were 2730 practitioners on the register.

Current Board members of CRFP

Professor David Croisdale-Appleby JP, Acting Chairman
 Professor at the Wolfson Research Institute; at the School of Medicine & Health, University of Durham, and at the Durham Business School.

Mr Sean Doyle
 Principal Scientist, DSTL Forensic Explosives Laboratory: appointed in consultation with the Association of Forensic Science Providers.

Mr Tristram Elmhirst
 Head of Forensic Services, West Mercia Constabulary: appointed to chair the Incident Investigation Sector Assessment Panel

Judge Kyrie James
 Judge of the Asylum and Immigration Tribunal, Parole Board for England and Wales: appointed lay member

Mr Edward Lord JP
 Non-Executive Chairman, Public Private Partnerships Programme; Non-Executive Deputy Chairman, Whittington Hospital NHS Trust; and a Member of the City of London Corporation: appointed lay member

Ms Angela McNab
 Director of Public Health Performance & Delivery, Department of Health: appointed lay member

Mr Hew Mathewson
 Dentist, currently President of the General Dental Council and a Member of the Council for Healthcare Regulatory Excellence: appointed lay member

Mr Nick Mitchell
 Head of Scenes of Crime, Leicestershire Constabulary: elected by fellow practitioners

Dr Chris Moynehan
 GSR Lead Scientist, LGC Forensics: elected by fellow practitioners

Mr David Mulhern QPM
 Chief Executive, Scottish Police Services Authority: nominated by the Crown Agent of Scotland

Mr Peter Neyroud QPM
 Chief Executive, National Policing Improvement Agency: appointed by the Minister of State at the Home Office

Mr Chris Sims OBE
 Chief Constable, Staffordshire Police: nominated by ACPO/ACPOS

HH Judge Zoe Smith
 Resident Judge, Reading Crown Court: nominated by the Lord Chancellor

Professor Wesley Vernon
 Head of Podiatry Services, Sheffield PCT: appointed professional member

Dr Suzy Walton
 Public interest advocate; Former Senior Civil Servant, Cabinet Office: appointed lay member

CRFP Executive

Dr Kate Horne, Acting Chief Executive
Professional regulator, previously with the General Medical Council and Royal College of Physicians

Mr Josh Bramall, Assessor Support Officer

Mr Terence Dourado, Registration Officer

Mr Andreas Heiner, Systems Officer

Ms Ynes Taylor, Administration Manager

Part-time consultants

Mr Mike Allen, Developmental Projects Consultant

Mr Freddie Hall OBE QGM DL, Representative for Northern Ireland

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Council for the Registration of Forensic Practitioners (CRFP) is registered at Companies House as a company limited by guarantee.

Our registration number is 3834867. Our registered address is Tavistock House, Tavistock Square, London, WC1H 9HX



**Registration of Forensic Practitioners
and Skills for Justice**

22 August 2008

Executive Summary

This paper outlines why a professional register is needed for Forensic practitioners, how Sector Skills Councils can add value to professional registers, and how Skills for Justice could operate the register of forensic practitioners.

Why is a professional register needed?

It is a commonly held belief that some form of register is required in order to manage any skilled workforce. It ensures that an individual's skills and competences are accredited in a quality assured manner, that the individual maintains the competence and that only people with the right level of skills undertake specific tasks for which they are qualified.

The concept of professional registers underpins nearly all professions. Taking the definition of a profession at its most basic, a specialist role whose practice is controlled, the use of professional registers can be seen as a similarly basic requirement.

The Council for the Registration of Forensic Practitioners (CRFP) was set up in 1999 in response to concerns about miscarriages of justice in which deficient scientific evidence was implicated, and to promote public confidence in forensic practice in the UK. Without a credible professional register both public confidence and the credibility of evidence given in court could be greatly affected.

How Sector Skills Councils can add value

The key strength for SSCs is that they are licensed by Government, but are independent, professional organisations that are adequately resourced. They are employer-led and as the authoritative voice of employers in their sector they influence Government, skills and funding bodies across the UK to tackle the skills and productivity needs of their sector's workforce.

There are currently six SSCs across the UK economy managing registers of competent practitioners. It is clear that there is good practice in these sectors where the SSC holds the register of competent practitioners based upon successfully evidencing competence against National Occupational Standards.

As the guardians of the National Occupational Standards (NOS), Sector Skills Councils are well placed to manage robust and rigorous professional registers, and with the use of NOS they help to raise the public's confidence in the professionalism and ability of the sectors.

How Skills for Justice could operate the register

Subject to funding and the current register being recommended for use by key stakeholders, Skills for Justice could take over the current operation of registration from an agreed date. For the purposes of this report we have assumed from the beginning of April 2009.

In the short term (years 1 to 2) there is a pressing need to maintain the continuity and profile of the current system to maintain credibility and retain the registered practitioners. Skills for Justice would need all stakeholders, Chief Officers and purchasers of Forensic Science Services to endorse the current register and recommend or mandate its use.

To ensure an efficient and smooth transition from CRFP to new operational arrangements, Skills for Justice would pick up the current administration through a handover period of 2-3

months and would then begin a process of review to make some transitional improvements to reduce bureaucracy and improve effectiveness and efficiency.

It is also anticipated that within years 1 to 2 that Skills for Justice would work with the Forensic Science sector to develop the new registration model. This would include consultation, communication and developing fully costed proposals and an agreed transitional plan to manage the legacy of the current register.

We propose that all current registered practitioners remain on the register until the new model and registration arrangements are in place. The agreed plan of migration would use the new criteria and process, including CPD requirements at the time of re-registration. All current registered practitioners would need to be reassessed against the new criteria over a set period of time.

Our vision would be for the registration of the forensic science workforce to be based on National Occupational Standards and related qualifications, which provide a detailed specification of the skills, knowledge and understanding required by practitioners. This would complement the approach of UKAS.

Longer term, Skills for Justice believes that registration should be mandatory and asks the Forensic Science Regulator to lobby for a statutory footing.

Financial model and financial projections

The financial model prepared would achieve substantial cost savings of 34% once the new processes were in place, and over a period of three years grow the registration numbers from a potential low point of 2300 registrants to 4200, and would be self financing and no longer dependent on grant in aid by April 2011.

As part of the condition of Skills for Justice taking over the operation of the register, we will require grant funding of £430,000 for the year ended March 2010 and £350,000 for 2011. The majority of that funding would be used towards the cost of developing the new registration process, covering financial obligations on lease commitments and providing additional finance for a potential decline in membership fees.

These forecasts are based on no change to the overall operation of the organisation, and do not reflect any major changes in the strategy as set out elsewhere in this paper. Where significant changes are to happen, additional funding would be required. The achievement of these forecasts would be dependent on being provided with more up to date detailed financial information.

Recommendations

1. In the short term (years 1 to 2) Skills for Justice would maintain the continuity and profile of the current register, ensure an efficient and smooth handover, and would begin a process of review and improvement to improve effectiveness and efficiency of the operation and existing model.
2. We would ask key stakeholders and purchasers of Forensic services across the UK to endorse, recommend and where possible mandate the use of the current register and registered practitioners. This would include:

- for ACPO to codify current and future forensic related NOS within the Police Modernisation Programme to include registration on the database.
 - for SPSA FS and FSNI to incorporate current and future forensic related NOS and registration of practitioners into their annual appraisal and quality assurance models.
 - for the NPIA, ACPO, ACPOS and PSNI to specify the use of registered practitioners in National Procurement Frameworks, to procure forensic science services only from registered practitioners and to actively encourage all practitioners to join the register.
 - for the Crown Prosecution Service, Legal Services Commission, and Scottish Legal Aid Board to only fund registered forensic practitioners to give evidence in Court.
 - for UKAS to look for the appropriate use of current and future forensic related NOS to evidence practitioner technical competence when accrediting Forensic Science providers.
3. Skills for Justice would also work with the Forensic Science sector to develop a new, fully costed model for registration, based on National Occupational Standards and related qualifications, which provide a detailed specification of the skills, knowledge and understanding required by practitioners for implementation in years 2 to 3. This would include a transitional plan from the current to the new model.
 4. To manage the membership of the profession Skills for Justice asks the Forensic Science Regulator to lobby the Office for Criminal Justice Reform, the Scottish Government and the devolved administration in Northern Ireland to legislate the use of the new register, with Ministerial endorsement for Forensic Science to be a profession, with a mandatory professional register set in statute.
 5. To minimise the risks of taking on the operation of the register, and to ensure separation of NOS development from the register, Skills for Justice would need to set up a new company limited by guarantee, as a subsidiary of Skills for Justice to operate the register and take on any liabilities and/or assets from CRFP Ltd.
 6. To receive grant funding of £430,000 for the year ended March 2010 and £350,000 for 2011 with a view to being self-financing by April 2011.
 7. To obtain more up to date detailed financial information; the management accounts to March 2008, the budget for 2008-09 and the business plan and any other significant supporting information from CRFP to enable further financial forecasting.

1. Purpose

This paper outlines why a professional register is needed for Forensic practitioners, how Sector Skills Councils can add value to professional registers, and how Skills for Justice could operate the register of forensic practitioners.

2. Why do we need a register for Forensic Practitioners?

It is a commonly held belief that some form of register is required in order to manage any skilled workforce. It ensures that an individual's skills and competences are accredited in a quality assured manner, that the individual maintains the competence and that only people with the right level of skills undertake specific tasks for which they are qualified.

The concept of professional registers underpins nearly all professions. Taking the definition of a profession at its most basic, a specialist role whose practice is controlled, the use of professional registers can be seen as a similarly basic requirement.

Entry to the register is usually controlled by some form of qualification; demonstrable proof of attainment of some standard of competence. Using just this basic premise, the register can then be used to "licence" practitioners, leading to confidence in the users of the services provided by these practitioners. Obviously, an individual's right to practice can be challenged and exit from the register could be a sanction for the incompetent, or unfit to practice – again, generating confidence in the profession. As professional registers develop they enable organisations and individuals to demonstrate to the public their level of skills and to be identified as 'experts.'

A professional register requires its members to be re-accredited after a period of time to ensure that they have maintained their competence and undertaken accredited continuous professional development programmes to keep their skills and knowledge up to date. This is a feature which is becoming increasingly common and is now required in medicine, dentistry and veterinary medicine. Failure to maintain competence means that individuals lose their licence to practice.

The Council for the Registration of Forensic Practitioners (CRFP) was set up in 1999 in response to concerns about miscarriages of justice in which deficient scientific evidence was implicated, and to promote public confidence in forensic practice in the UK. Without a credible professional register both public confidence and the credibility of evidence given in court could be greatly affected.

3. How can Sector Skills Councils add value?

Sector Skills Councils (SSC) cover 90% of the UK economy and 25 sectors. Each SSC was licensed by the Secretary of State for Education and Skills in consultation with Ministers in Scotland, Wales and Northern Ireland.

The four key goals of SSCs are:

- to reduce skills gaps and shortages;
- improve productivity, business and public service performance;
- increase opportunities to boost the skills and productivity of everyone in the sector's workforce; and

- improve learning supply including apprenticeships, higher education and National Occupational Standards (NOS).

SSCs provide employers with a unique forum to express the skills and productivity needs that are pertinent to their sector. By coming together as SSCs, employers have:

- greater dialogue with government and devolved administration departments across the UK
- greater impact on policies affecting skills and productivity
- increased influence with education and training partners; and
- access to substantial public investment.

The development, recognition and assessment of work based competence are all fundamental to the purpose of SSCs. Through National Occupational Standards, SSCs set the nationally agreed standards for workbased competence which are articulated by the industry. In the case of Forensic Science through Skills for Justice and an extensive consultation process; the standards are set for the profession by the profession, and are finally agreed by all key stakeholders.

The current register does not use National Occupational Standards as the basis of assessment of practitioners. This can mean a large duplication of effort for practitioners, especially those within the police, who work to the NOS on a daily basis. Mapping the current CRFP specialisms to National Occupational Standards would help streamline the registration process and reduce bureaucracy. Assessing in the workplace against the National Occupational Standards would also realise the benefits that National Occupational Standards bring – accreditation of the registration process, potential use of recognised qualifications etc.

Sector Skills Councils are independent of training providers, employers and staff associations but work closely with these bodies to ensure the efficient and effective running of business and service. As the guardians of the National Occupational Standards, Sector Skills Councils are best placed to manage a robust and rigorous professional register.

3.1 Sector Skills Councils operating registers

There are six SSCs who currently run or manage a register of competent practitioners in their sectors:

- Energy & Utility Skills
- Construction Skills
- The Scottish Social Services Council (part of Skills for Care & Development)
- The Institute of the Motor Industry – Automotive Skills is a Division of the IMI
- SkillsActive (Active Leisure industry)
- Lantra (Environmental and land-based industries)

For more information on these registers please see Appendix 1 on page 28.

3.2 Registration costs

The above SSC run schemes charge varying rates from £25 to £100 excluding VAT, but it should be noted that most of these schemes are very simple skills databases rather than comprehensive professional registers. Professional self-regulation is granted to, and considered a hallmark of a number of professions, for example the General Medical

Council and the General Dental Council whose annual fees do not normally cover professional indemnity and range from £100 to £440.

From the six examples in 3.1 it is clear that there is good practice from other sectors where the SSC has been tasked with holding a register of competent practitioners based upon successfully evidencing competence against National Occupational Standards except for the Scottish Social Services Council who register against other nationally agreed standards.

The key strength for SSCs is that they are licensed by Government, but are independent, professional organisations that are adequately resourced. They are employer-led and as the authoritative voice of employers in their sector they influence Government, skills and funding bodies across the UK to tackle the skills and productivity needs of their sector's workforce.

A number of SSCs have had a successful track record across the UK economy setting up and maintaining registers of competent practitioners to raise the public's confidence in the professionalism and ability of their sector.

4. How Skills for Justice could operate the register of forensic practitioners

4.1 Skills for Justice

Skills for Justice is the recognised Sector Skills Council for the Justice sector. We exist to:

- **Help** organisations and individuals in the justice sector deliver benefit to society by being significantly better skilled; and
- **Influence** policy makers to ensure that they take full account of workforce development needs in the justice sector.

Skills for Justice is a registered charity and company limited by guarantee. We are an employer led organisation and already have strong working relationships with forensic science, the police, prosecution and courts service, skills agencies and bodies including awarding bodies, Higher Education Institutions and Colleges.

For each strand of the Justice sector, we have dedicated strand teams and established Occupational Committees which meet on a quarterly basis to assist with identification of skills needs and workforce priorities. Our Forensic Science Occupational Committee membership includes key employers and stakeholders and list of members is available on request.

Furthermore, Skills for Justice is able to access additional funding streams to support the work programmes it undertakes for employers for example the development of NOS. This additional funding supplements the funding received from employers.

4.2 Our offer

Skills for Justice can:

- i) take over the current operation of the registration of forensic practitioners, increasing its efficiency and effectiveness subject to funding and key stakeholders and purchasers of Forensic services across the UK endorsing, recommending and where possible mandating the use of the current register and registered practitioners; and

- ii) develop the new model and registration arrangements, based on NOS and manage the transition from the existing register to the new model and arrangements
- iii) operate the new register and become self financing by April 2011.

(See section 6.0 'The proposed new model for registration' on page 12 for more detail)

4.3 Short term (years 1 to 2)

There is a pressing need to maintain the continuity and profile of the current system to maintain credibility and to ensure an efficient and smooth handover to future arrangements. Skills for Justice can pick up the administration of registration and run it until new arrangements and agreements are in place. This would include a handover period with CRFP after which we would begin a process of review and improvement to reduce bureaucracy, improve effectiveness and efficiency of the current model. This would focus on the current system of assessing applicants, which needs to be reviewed to reduce cost and increase efficiency. A marketing communications strategy is also needed to prevent any reduction in the numbers registered. Tactically this would need to include a review of the website, promotional materials and targeted events and networking. It is also envisaged that the ICT platform and the content of the database will need review and development.

At the same time Skills for Justice would also work with the Forensic Science sector to develop a new, fully costed model for registration, based on National Occupational Standards and related qualifications, which provide a detailed specification of the skills, knowledge and understanding required by practitioners for implementation. The new model would need qualified assessors in the workplace who have maintained their own occupational competence and the register itself could be expanded to include an assessor category. The real gain in this model is that Forensic Science providers would have to take full responsibility for the competence of their staff, whereas at the moment this covered by CRFP. Providers would assess and 'sign off' their staff as competent.

The development of a new model would need to include consultation events and communication activities to engage providers, users of forensic science services and key stakeholders in the development process.

A transitional plan would also be needed to manage the migration from the current register to the new model. We would propose that all the current registered practitioners remain on the register until the new arrangements and agreements are in place, with the migration completed over a set period of time, linked to re-registration and CPD requirements, to ensure that everyone is reassessed.

4.4 Medium term (years 2 to 3)

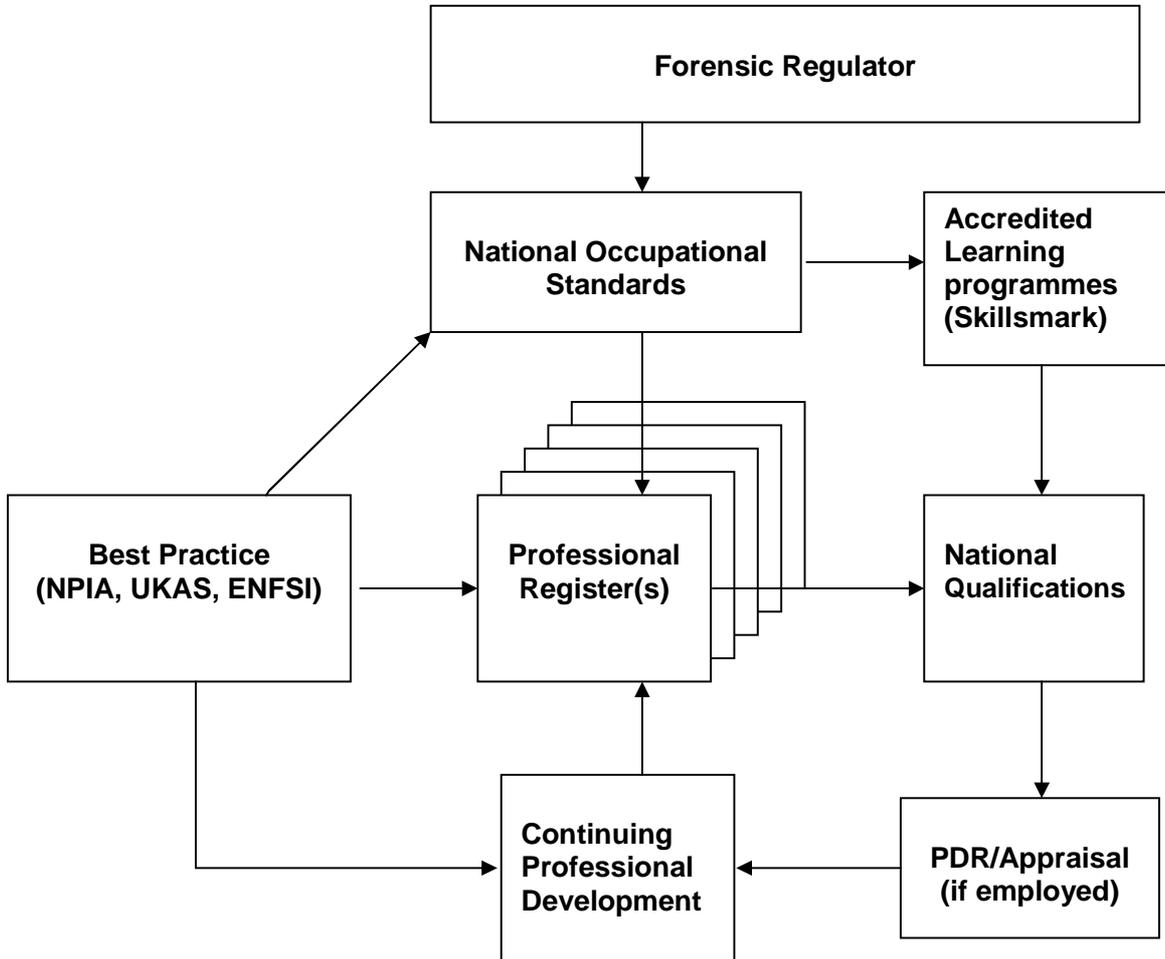
After having developed the new registration model Skills for Justice would launch the new model and ensure the migration of all registered practitioners.

4.5 Long term (years 4 to 5)

The new model register would operate and all registered practitioners would have been assessed against the new criteria.

5.0 Components of professional practice

Our vision is summarised in the following diagram:



The diagram shows the various components of the Professional Practice System. It shows how each component, and their products, can be connected into a coherent system. More importantly, the system supports the development and the dissemination of knowledge and best practice in a professional manner.

The system is dynamic and must be able to respond to the development of new practices and procedures. The following section describes how any change in procedures can be promulgated through the system.

5.1 Forensic Regulator

The Forensic Regulator has a key role to play in the professional practice system helping to define competence but also to highlight areas where policy needs changing or reinforcing or where legislation needs to be reviewed.

5.2 Best practice agencies

Agencies such as United Kingdom Accreditation Service, the National Policing Improvement Agency, Scottish Police Services Authority Forensic Services, Forensic Science Northern Ireland, the Forensic Science providers and the European Network of

Forensic Science Institutions have a central role in defining knowledge and skills based on best practice and innovation. In order to be effective however, they must be able to ensure that these are disseminated effectively through the profession. This dissemination must be done in a timely and controlled way to ensure all practitioners pick up and use best practice. A professional register should use IT in a structured way to provide information and updates. The suite of National Occupational Standards, also provide excellent tools through which this can be done.

5.3 National Occupational Standards

National Occupational Standards define the skills, knowledge and understanding required of practitioners and reflect best practice. National Occupational Standards can be used for a wide variety of HR purposes and their use is widespread in the justice sector. The National Occupational Standards provide a clear benchmark against which individual practice can be assessed in appraisal and are used to formally assess individuals' competence for the award of national qualifications.

The development of the National Occupational Standards has ensured that the identification of the skills, knowledge and understanding needed by forensic practitioners is far easier than has previously been the case. Skills for Justice develop NOS through widespread consultation with leading practitioners. National Occupational Standards within the sector now offer the opportunity for individuals to gain meaningful credit for the skills developed throughout their careers. By specifying exactly what skills, knowledge and understanding are required in order for an individual to be considered competent these Standards can be used as a basis for recognition when competence is achieved.

Most importantly, by starting with the skills needed for competence in the job, any recognition is firmly based on operational requirements. These set out clearly and succinctly what skills, knowledge and understanding an individual needs to be considered competent in their job. Quite clearly, the identification of best practice and the development of new elements of knowledge by the agencies will provide vital input to the process of defining and updating the suite of National Occupational Standards. Skills for Justice will be able to involve greater numbers of practitioners in the review and development of NOS and qualifications through the revised register. In this way, the suite of National Occupational Standards can be a valuable tool to capture exactly what changes professional practitioners must accommodate if they are to remain at the forefront of professional practice.

NOS can be grouped together to identify a role and therefore define the skills, knowledge and understanding needed for each role against which individuals can be assessed.

'Vertically', the register should support progression to higher skill levels, increasing experience, increasing responsibility etc. 'Horizontally', the register should support any division into specialised functions, clearly identifying the competence requirements for each.

Skills for Justice is the guardian of National Occupational Standards for Forensic Science and the wider Justice sector. With practitioners in the sector we develop and review National Occupational Standards, keeping them up to date to reflect the skills and standards needed. The benefits of using National Occupational Standards are that they are nationally recognised common standards of competent performance, developed with the sector and are applicable across the UK.

We recommend that National Occupational Standards are used as a 'common language' and that they are the key test of practitioner competence for entry onto and retention on the register. Failure to maintain competence against the National Occupational Standards and the related criteria should result in removal from the register.

5.4 The Professional Register and CPD

The register of accredited practitioners, the database, will need to be maintained and to add value it should be more than just a list of names. It should hold key information on areas of competence, qualifications and points awarded for continuous professional development.

All practitioners will need to be fully re-accredited for their role, and timescales for re-accreditation will need to be determined, and will depend on risk and complexity.

There should also be a requirement that in order to remain registered an individual must maintain currency with professional practice, CPD. This then provides the vital last link in the establishment of a Professional Practice System. Updates in professional knowledge and practice, captured succinctly in updated National Occupational Standards, can be used to inform a CPD programme aimed at bringing registered professionals up to date.

Professional registers traditionally recognise the competence and suitability for practice of individuals. A professional register does not normally recognise organisations. In Forensic Science, UKAS accredits laboratories to the ISO 17025 standard and is looking to accredit Crime Scene Investigation organisations to ISO: 17020 for scene of crime work. Accreditation of organisations by UKAS triangulated with learning that has achieved Skillsmark and the registration of individuals will provide the robust assurance that the justice system requires.

5.5 Nationally Recognised Qualifications

As well as recognising an individual's competence through entry onto the Professional Register, gaining a recognised qualification provides certain advantages; to the individual by recognising their achievement and to the organisation by showing what attainments their staff achieve. Both are better served by making sure that the qualification has national recognition. Skills for Justice have the remit to maintain the framework of qualifications for the Justice Sector. A qualifications framework can also support CPD. The opportunities afforded to the Justice Sector by the development of the Qualifications and Credit Framework is very exciting. Small qualifications such as Development Awards can recognise competent performance against a small number of NOS allowing for individuals to achieve a nationally recognised qualification in a niche Forensic specialism.

Skills for Justice can also support and enable the development of core curriculum for a variety of qualifications, working with Awarding bodies and Higher Education Institutions.

5.6 Accredited Learning Programmes (Skillsmark)

Skills for Justice can add further value to the registration process with Skillsmark, our quality mark for learning and development, based on employer needs and the appropriate use of NOS. Learning programmes based on NOS ensure that inputs are clearly geared to developing the underpinning skills, knowledge and understanding to undertake specific roles.

We are already working with the Forensic Science Society to develop '*Forensic Skillsmark*'. Through Forensic Skillsmark the Forensic Science Profession can ensure that

learning provision meets their needs and is of a quality that can be trusted and valued by employers, employees and potential new entrants.

Individuals who have completed learning programmes with the Skillsmark will be assured that they have demonstrated some of the evidence required for registration.

To this end Skills for Justice has also been working closely with the NPIA on accredited learning programmes.

5.7 Personal Development Review/Appraisal

These are used to steer and guide an individual's development. Although one of the inputs to any CPD scheme will be the updating in professional practice mentioned above, the rest of the CPD programme must be tailored to the individual's own needs through a meaningful, forward-looking personal appraisal scheme.

6.0 The proposed new model for registration

Taking the various components of the Professional Practice System, the model of registration needs to encapsulate the three principles of:

- **Inclusivity:** the new register will embrace all providers of forensic science services
- **Authority:** the new register will be based on evaluation and judgement, based on clear, demonstrable evidence
- **Efficiency:** the new register will keep bureaucracy and costs to a minimum by using third party assessment where appropriate

Our initial thoughts would be to develop two routes, one for organisations and one for individual practitioners. The route for organisations would involve two steps: recognition and then registration.

To support this model, there will need to be an assessment infrastructure within the forensic community to support the workplace assessment against NOS by the employer organisation. Without an effective assessment infrastructure the likelihood is that this model for the professional register will not work. The infrastructure would need to be based on the principles of workplace assessment with a requirement for qualified assessors and internal verifiers with external verification being conducted by Skills for Justice where there is no Awarding Body.

6.1 Recognition

Recognition would be at an organisational level, and would be based on the organisation's structure and approach to assessing competence in the workplace, and on their approach to quality assurance of processes.

There would be an expectation that the organisation would have in place Line Managers who are able to assess the competence of individuals against NOS in the workplace.

In consultation with the technical committees Skills for Justice would set a code of conduct for organisations and the criteria to recognise organisations and will carry out the evaluation against the specified criteria. Those organisations accredited by UKAS and /or other organisations, may be able to demonstrate that they meet some or all of the criteria.

Recognition will publicly demonstrate that an organisation takes a professional approach to establishing, maintaining and quality assuring the processes of assessing competence in the workplace and the assessment of applications for registered status.

On an annual basis a check will be carried out by Skills for Justice to ensure that the organisation is continuing to meet the specified criteria.

Recognition of the organisation would be awarded for a minimum of 1 year and a maximum of 4 years, depending on the outcome of the evaluation against the specified criteria and the level of risk attached. Every recognised organisation would need to be reassessed every four years.

Once recognised an organisation can recommend individual forensic science practitioners for registration against the specified criteria.

6.2 Registration

The decision on the registration of individuals would be taken on receipt and approval of individual applications. In consultation with the technical committees, Skills for Justice would set the criteria for entry onto each of the levels of the professional register taking into account the level of skills and area of expertise, which will include workplace competence, qualifications and experience.

For practitioners working within recognised organisations, the organisation will recommend individual practitioners for registration against the specified criteria. Skills for Justice will validate the recommendations and if approved will confirm registration at Level 1 on receipt of fees.

We would also propose that practitioners working in recognised organisations, having been assessed on their competence in the workplace and on achievement of one of the recognised qualifications from a recognised training provider or educational institution will gain automatic entry onto the appropriate level of the register on submission of their certificates and payment of fees.

For individual practitioners not working within a recognised organisation there would only be one step in the registration model. Skills for Justice would receive and approve individual applications against the agreed criteria taking into account the level of skill and area of expertise. Assessment would be carried out by Skills for Justice registered assessors and the assessment will be a combination of desk-based assessment and assessment by observation. Recommendations for applications will be submitted to the technical committee to validate the application. If approved registration will be confirmed.

Registration would be awarded for a maximum of 4 years, depending on the outcome of the assessment against the specified criteria and the level of risk attached. Every registered individual would need to be reassessed every four years.

6.3 Maintaining registration

On an annual basis, individuals must submit evidence of appropriate CPD activities and demonstrate at least the minimum level of required CPD. The technical committees, in consultation with key stakeholders would need to agree the CPD requirements and system for allocating points. For example a number of CPD points could be set for the three year period with a minimum number being required each year. Skills for Justice will review the

CPD activities of practitioners on the register and where they do not meet the minimum CPD requirements registration will be suspended.

6.4 Fees

6.4.1 Recognition

For organisations the initial recognition fee would be £5,000 to cover the costs of assessment of the organisation.

There would be an annual licence fee of £500 payable by the organisation to cover the annual check and revalidation of the organisation.

For organisations being re-assessed the recognition fee would be £2,500.

6.4.2 Registration

For individuals in recognised organisations the registration fee would be £125 payable at the point of registration, and with an annual fee thereafter we would anticipate at being the same level. Any increase would only be in line with inflation and subject to scrutiny by the Advisory Council. For individuals working within recognised organisations there would not be a re-registration fee or process for the individual as long they remain on the register, continue to demonstrate their competence and meet all registration requirements. The organisation is subject to reassessment against the recognition criteria.

For individual practitioners *not* in recognised organisations the initial registration fee would be £550 with an annual fee of £170.

For individual practitioners being reassessed at the end of each four year period, or returning to the register after lapsed registration, the re-registration fee would be £550.

6.5 Levels and categories of registration

Initially we would propose a model with four levels of registration and three different categories. For example

	Incident investigation	Science and Engineering	Medicine and Health
Manager	Head of fingerprint bureau, Head CSI	Lab Manager	Forensic pathologist
Senior practitioner	Senior/principle forensic officers	Principle technicians	FME
Practitioner	SOCO, CSI, Forensic analyst	Lab technician	Nurse
Assistant practitioner	Assistant CSI, Trainee technician Fingerprint Officer	Assistant lab technician	

Each level would have a set of National Occupational Standards and a list of recognised qualifications and / or recognised learning programmes attached to them. Entry to the register at a specific level would be on assessment against the NOS in the workplace, on achievement of the recognised qualifications or completion of the recognised programmes and on demonstration that they meet all other related criteria set by the technical committee.

Entry to the register at **Assistant Practitioner** level could be on successful passing of an independent competency assessment after initial training on condition of close workplace supervision for two years.

Entry as a **Practitioner** could be at level two once two years of competent service in the workplace as assessed internally. This could lead to a Level 3 recognised qualification.

Senior Practitioner entry could be after further CPD and satisfactory completion of an independent assessment. This could lead to a Level 4 recognised qualification.

Managerial level entry could be on successful completion of recognised management training, based on NOS e.g. ILM, Managing Justice Sector Services S/NVQ Level 4 or a recognised qualification at Level 4 or 5.

7.0 Mandatory registration

Most professions are characterised by professional self-regulation, of which a register is but one part. The scope of registers needs to be considered, potentially encompassing assistant practitioners, practitioners, senior practitioners and managers.

Skills for Justice believes that the proposed new model of registration should be mandatory. The register should be managed in a manner that provides for sanctions to be imposed, through due process, for breaches of the code of conduct and ethics, or for failure to maintain competence or to comply with continuous professional development requirements. The ultimate sanction would be striking off the register. For this to be effective, the requirement to register needs to be placed on a statutory footing, and the professional title protected by law.

Pending mandatory registration of the new model, Skills for Justice would ask key stakeholders and purchasers of Forensic services across the UK to endorse, recommend and where possible mandate the use of the current register and registered practitioners. This would include:

- For ACPO to codify current and future forensic related NOS within the Police Modernisation Programme to include registration on the database
- For SPSA FS and FSNI to incorporate current and future forensic related NOS and registration of practitioners into their annual appraisal and quality assurance models
- For the NPIA, ACPO, ACPOS and PSNI to specify the use of registered practitioners in National Procurement Frameworks, to procure forensic science services only from registered practitioners and to actively encourage all practitioners to join the register.
- For the Crown Prosecution Service, Legal Services Commission, Scottish Legal Aid Board to only fund registered forensic practitioners to give evidence in Court.
- For UKAS to look for the appropriate use of current and future forensic related NOS to evidence practitioner technical competence when accrediting Forensic Science providers

8. Governance

There are two options available for the transfer of the register to Skills for Justice:

1. Take over the existing CRFP Ltd with liabilities and assets and make the necessary changes; or
2. Set up a new company limited by guarantee for the transfer of liabilities and assets from CRFP Ltd.

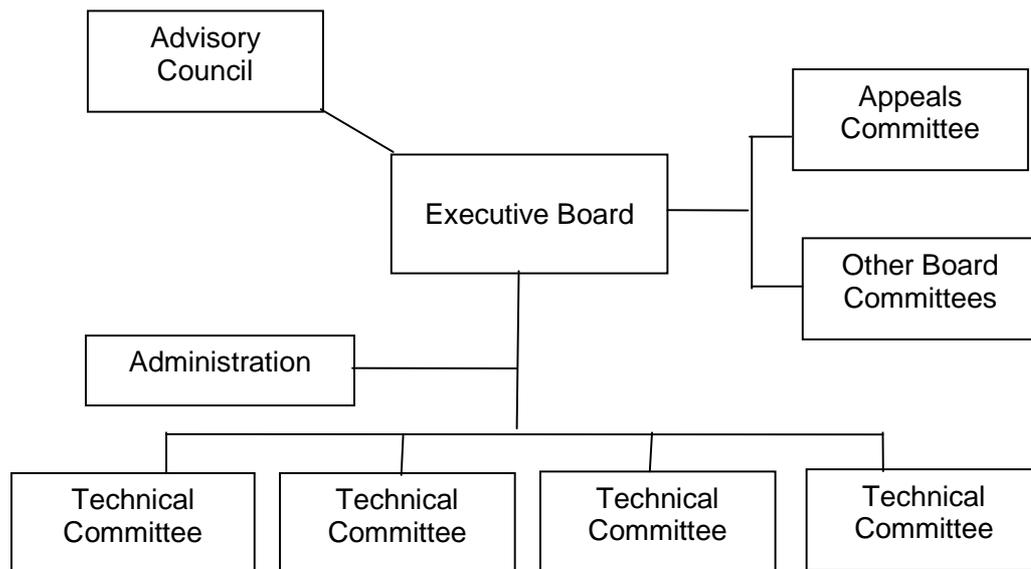
We recommend option 2 where the operation of the register would be within a new company limited by guarantee, set up as a subsidiary of Skills for Justice.

It is common practice for a charity to set up a trading subsidiary owned and controlled by the main charity to protect the main charity’s assets, reduce tax liabilities and to create a separate administrative unit for accounting and management purposes. A further benefit would be the ‘glass wall’ between the standards setting function and the registration body. Essentially Skills for Justice would control the running of the company, but any liabilities would be ring fenced within the new company.

The new company would need a governance structure, and a coherent governance structure will also provide the greatest economies of scale in terms of implementation of the framework of accreditation and registration across all roles.

When agreeing the appropriate governance structure and composition, we need to consider the membership of existing groups and committees and the role either they, or their members, should play within the governance structure of the new company operating the register. For example; the Skills for Justice Forensic Science Occupational Committee and the Forensic Science Regulator’s Advisory Council.

A potential model of governance for consideration is outlined in the following diagram:



8.1 The Advisory Council

The role of the Advisory Council would be to discuss and debate policy issues and advise the Executive Board to ensure that accreditation and registration is applied consistently and transparently across the profession. It would also be responsible for the overarching framework of accreditation and registration, including the policies, procedures and codes of practice. We recommend the existing CRFP Board become the Advisory Council for the new organisation, with a review of membership to achieve the required mix of members, which could include:

- Forensic Science Regulator;
- UK Accreditation Service;
- Skills for Justice;
- National Policing Improvement Agency;
- Scottish Police Services Authority Forensic Services;
- Forensic Science Northern Ireland;
- Association of Forensic Science Providers;
- Representation from smaller Forensic Science providers;
- Forensic Science Society (as professional body);
- Legal Representation;
- Prosecution Services;
- Staff Associations; and
- Independent Members (representing the interests of the public).

8.2 The Executive Board

The Executive Board would be the instrument of corporate governance and its role would be to provide the entrepreneurial leadership for the company within a framework of prudent and effective controls. The Executive Board would be responsible for ensuring the company had the necessary financial and human resources in place to meet the required objectives. We recommend the Board be comprised of the Chief Executive and Executive Directors of Skills for Justice and the Chair of Skills for Justice's Finance and Audit Committee and relevant Trustee/Non Executive Director representation from the Skills for Justice Board and/or Forensic Science Occupational Committee.

8.3 The Appeals Committee

The operator of the register is likely to take a number of decisions that affect individuals or organisations. An adverse decision could have sufficient consequences or a commercial impact for the individual or organisation to lead them to wish to challenge a decision taken.

An appeals panel or committee for the register would need to have the appropriate representation from Forensic Science, however, the value of existing Appeals Panels or committees should be considered. Skills for Justice already has an independent Appeals Committee set up initially for Skillsmark.

8.4 Other Board Committees

We recommend that the function of the other Board Committees, namely Finance and Audit, Nominations and Remuneration are undertaken by the existing Committees currently operating within Skills for Justice.

8.5 Technical Committees

For each functional area of accreditation and registration there will need to be a Technical Committee. Membership of the Technical Committee will be drawn from experienced and senior operational practitioners within the profession.

The Technical Committee will be responsible for:

- Establishing the policies and procedures for accreditation and registration in their area;
- Establishing the codes of practice for Accredited Practitioners;
- Establishing the role requirements and NOS for each accredited role;
- Establishing with key stakeholders the annual CPD requirements for accredited roles within their area;
- Establishing best practice;
- Establishing the re-accreditation requirements and policies for their functional area; and
- Dealing with grievance and disciplinary matters.

In implementing this work the Technical Committees would receive the support and guidance of the Advisory Council, the Executive Board and the Administration.

8.6 Administration

Both the Executive Board and the Technical Committees will require an Administration function in order to run the company day to day and administer the accreditation and registration systems. We have assumed that from March 2009 there would be 5 full-time employees as follows, to administer the register:

- 1 senior manager, responsible for the running of the register
- 3 officers engaging with key stakeholders and operating the register
- 1 administrative support person, responsible for maintaining the database register.

The work of the Administration will include:

- Managing the register and keeping it up to date;
- Marketing and promotion of the register;
- Representing the organisation at sector events;
- Servicing the Governing Body and Technical Committees;
- Implementing the decisions of the Governing Body and Technical Committees;
- Managing the use of external assessors; and
- Organising training events for assessors.

9. Financial model and financial projections

9.1 Summary

The attached Income and Expenditure forecasts show that under the control of Skills for Justice the organisation would achieve substantial cost savings and over a period of three years achieve the objective of being self financing by April 2011 and no longer dependent on grant in aid.

9.2 Key Indicators

By applying the new strategy, overall income from March 2012 is forecast to increase by a combination of increased registration fees and the introduction of the new recognition and registration fees. This will be from a low point assuming that there is a drop off of registrations over 2010 and 2011 while the new registration model and processes are being developed.

Fee Income (excludes GIA)	March 2008 Actual £'000	March 2009 Forecast £'000	March 2010 Forecast £'000	March 2011 Forecast £'000	March 2012 Forecast £'000	March 2013 Forecast £'000	March 2014 Forecast £'000
Income	423	481	351	298	658	573	592
Percentage increase on 2008		14%	-17%	-29%	56%	35%	40%

It is assumed that if Skills for Justice took control from 1st April 2009 that the administrative cost savings would be minimal in 2009/10 due to reorganisation costs arising from the changes to and operation of the organisation. These would increase to 36% as contractual property and operating lease costs come to an end, and would be achieved by the relocation of the register to Sheffield and by implementing changes to the employee structure. The overall savings can be summarised as:

Expenses	March 2008 Actual £'000	March 2009 Forecast £'000	March 2010 Forecast £'000	March 2011 Forecast £'000	March 2012 Forecast £'000	March 2013 Forecast £'000	March 2014 Forecast £'000
Total	778	734	768	633	503	502	515
£'000 saving on 2008		44	10	145	275	276	263
Percentage decrease on 2008		-6%	-1%	-19%	-35%	-36%	-34%

The above total takes into account exceptional costs of the reorganisation and the development costs of the new registration model and process.

These forecasts are based on the introduction from 2011/12 of the new recognition process for all organisations and a new registration process for other individual practitioners. The achievement of these forecasts would be dependent on being provided with more up to date detailed financial information, in addition to sight of the PWC report of

28 April 2008 which has been used for extracting information on the 2008 financial year and 2009 forecast.

Forecast Income and Expenditure Accounts

For the years to 31 March 2014

Year to:		March 2008	March 2009	March 2010	March 2011	March 2012	March 2013	March 2014
	notes	Actual £'000	Forecast £'000	Forecast £'000	Forecast £'000	Forecast £'000	Forecast £'000	Forecast £'000
Turnover								
Grants	iii	403	320	430	350	0	0	0
Fees	i	357	413	351	298	362	451	537
		760	733	781	648	362	451	537
Recognition and registration	ii	66	67	0	0	296	122	55
Total Turnover		826	801	781	648	658	573	592
Cost of sales	iv	49	51	26	22	116	44	16
Gross Surplus		777	749	755	626	542	529	576
Administrative expenses								
Salaries and on costs	v	323	322	282	227	233	240	248
Recruitment & training	vi	53	58	25	18	20	23	24
Travel & subsistence	vii	66	56	57	58	59	60	61
Marketing & communications	viii	60	28	30	31	32	33	34
Computer costs	ix	44	45	15	15	16	16	17
Establishment costs	x	66	77	0	0	0	0	0
Office costs	xi	50	41	31	32	37	44	52
Legal & professional	xii	83	84	51	53	16	17	17
Other costs	xiii	33	23	17	18	18	19	19
Management charge - Skills for Justice	xiv	0	0	40	41	42	42	44
Total administrative expenses		778	734	548	492	475	494	515
Operating surplus		-1	16	207	134	67	34	61
Non operating costs								
Development costs	Xv	0	0	87	87	0	0	0
Exceptional costs	Xvi	0	0	133	53	28	7	0
Surplus before interest & taxation		-1	16	-13	-7	39	27	61
Bank interest received		18	7	23	18	21	25	26
Surplus before taxation		17	22	10	12	59	52	87
Taxation		4	1	5	4	4	5	5
Retained surplus		13	22	5	8	55	47	82

9.3 Assumptions

Set out below are the assumptions that have been used in the calculations for the forecast for the 6 years to March 2014.

The original source information has been extracted from the annual financial statements, minutes of various meetings, the PWC report and discussions with interested parties.

9.3.1 Introduction

The year to March 2009 has been extracted from the PWC report and is the organisation's proposed budget for the current year. The income has been adjusted to reflect Grant in Aid funding to ensure that it is in surplus at the end of the year.

It has been assumed that Skills for Justice would not obtain control until April 2009.

The year to March 2010 includes the costs of the reorganisation of the employees and the move of the operation out of London to Sheffield. This is shown as an exceptional cost of £133,000 in the year. We would also expect to have a two full years in developing the new processes on which the register would operate. The cost of development is shown as £87,000 for years 2010 and 2011. Due to the reorganisation and uncertainty for members, we have assumed that renewal income would drop by 15% from £413,000 in 2009 to £351,000 in 2010.

Since we have assumed that it would take 18 months to develop and agree a new registration model and process, from a financial perspective we have assumed that renewal income will decline by another 15% in 2011 to £298,000. During the development period we have not reflected any income from new applications.

Exceptional costs include the costs of the London lease and computer operating lease commitments, and in 2010 the costs of relocating the office and employees, which may include redundancy.

It should be noted that for the years 2010 and 2011 £430,000 and £350,000 of grant in aid would be required to enable there to be a break even result. However it should be noted that £220,000 in 2010 and £140,000 in 2011 relates to reorganisation and development costs, and consequently over that two year period only £360,000 would be required towards operating costs and to cover the fall off in registration fees.

From 2012 we would expect the new model and process to have a full year's impact on the organisation with 80% of forensic organisations being put through the recognition process. We would expect registration to increase by 25% in the year.

It should be noted that from 2012 no Grant in Aid assistance would be required.

9.4 Income

[Roman numerals in sections 6.3, 6.4 and 6.5 refer to the notes on the income and expenditure account and balance sheet]

Renewal Fees (i)

Renewal fees for the years 2009 to 2011 are based on the figures used in the 2008/09 budget, with a 15% decline in come in years 2010 and 2011 due to a fall off in registration.

From April 2011 the following charging structure would be used:

REGISTRATION FEE

Annual fee	Corporate members	£125
	Individual members	£170

The corporate member's registration fee would be lower since the employing organisation would already have been assessed and 'Recognised' for its approach and systems to assess competence in the workplace. The current CRFP fee is £165 and for corporate members, there would be a saving of £40, with only a small increase for individuals.

Our financial forecast also does not allow for any increase in the annual fee for the 3 years to March 2014; however this would have to be reviewed if it was found that registration numbers did not increase at the level forecast.

No account has been made of any additional charge for additional specialities to be registered for members. A proposed charge would be £25.

We have assumed the following movement in registered members over the period of the forecast as follows:

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Registered Members at 1st April	2900	3219	2736	2301	2876	3568
Net new members	319	-483	-435	575	692	668
Members at 31 March	<u>3219</u>	<u>2736</u>	<u>2301</u>	<u>2876</u>	<u>3568</u>	<u>4236</u>
% growth/decline	11%	-15%	-15%	25%	24%	19%

From our research there is currently a potential registered membership of up to 8,300 individuals; at the end of the financial year 2013/2014 we have assumed 51% would be on the new register.

We have ignored any registered members failing to renew and have assumed that the new registered members are net of any lapses in registered membership.

Recognition and Registration Fees (ii)

We have assumed that for the years 2010 and 2011 there would be no new members and consequently are not reflecting any income.

The proposed new fee structure would be:

REGISTRATION

Recognition fees	Corporate	£5000
Registration fees	Individual	£550
Annual Licence Fee	Corporate	£500
	Individual	included in annual fee nil

There would be no annual licence fee for members who do not fall within the corporate structure, as it forms part of the registration fee.

At the end of each four year period it is proposed that the corporate re-recognition fee for organisations would be £2,500, however the fee for registration of individuals would remain at £550.

Grant in Aid (iii)

Skills for Justice would require confirmation that Grant in Aid funding was available for the first two years while it was developing the new registration processes. The amounts required would be £430,000 and £360,000. As previously stated £87,000 in each of those years would be used in the development process, and to cover any potential fall off in registration renewal fees over the two years which we have assumed to be £177,000. In 2012 it is anticipated that the new registration model would be self funding and that no grant income would be required.

9.5 Costs

9.5.1 Introduction

The remit for Skills for Justice is to be able to operate the register and achieve substantial cost savings. It is anticipated that once the reorganisation has taken place in 2009 that these cost savings can be achieved as set out in the table below:

Cost of Sales (iv)

Since it is anticipated that there will be no new registration numbers in 2010 and 2011 the cost of sales only relates to the validation process of any existing members. Under the new registration model and process it is forecast that the external cost of assessment would be:

Corporate recognition fee	£2,000
Individual registration fee	£350

Administrative Expenses

We have based our assumptions on the financial results for March 2008, our own research into membership organisations, our own experience of costs and the action that would be taken to reduce costs as part of the change in control.

Over the period of the forecast costs have been assumed to increase at a rate of 3% per annum. Office costs have been assumed to increase at 18% in relation to the increased number of registered members.

Salaries and on costs (v)

We have assumed that control would pass to Skills for Justice on 1st April 2009. At that point we would look to transfer the organisation to our office in Sheffield.

It is assumed there would continue to be a part time chair at a similar salary as stated in the financial statements. We have assumed that from March 2009 there would be 5 full-time employees as follows, paid on our salary structure:

- 1 senior manager, responsible for the running of the register
- 3 officers engaging with key stakeholders and operating the register
- 1 administrative support person, responsible for maintaining the database register.

We have also allowed for additional salary costs of £62,000 in the year 2009-2010 covering a 3 month period following the change in control.

In addition support would be provided by existing employees within Skills for Justice at all those levels. The cost of this support would be covered by the management charge, see note xiv) below. Over the period of the forecast headcount would remain the same and costs have been assumed to increase at 3% per annum.

Recruitment and training (vi)

In the year to March 2009 it is assumed that the 5 employees mentioned above may have to be recruited; allowance for this cost has been made of £25,000 out of the forecast figure of £25,500.

From March 2010 a forecast of one recruitment campaign per annum has been made, ie staff turnover of 20%.

Allowance has also been made for the training of employees, however it is felt that the cost of training assessors will reduce by £15,000 per annum as many of the processes will be carried out by Skills for Justice employees.

Travel & Subsistence (vii)

This takes account of travel and subsistence of the following aspects of the organisation: Chair, Board of Directors, Committees and employees.

All meeting costs would be included under this heading. In addition a value of £24,000 per annum has been included for the provision of 4 cars for the use of senior manager and the 3 officers.

Any conferences to be held would be self funding by a mix of delegate income and sponsorship, and not have a cost impact.

Marketing & communications (viii)

This line includes the company's website.

It is assumed that the website would be completely reviewed and updated on an ongoing basis this is likely to cost £20,000 per annum to be supported. The on going costs include website maintenance and the costs of various communications both to members and stakeholders.

The projections are based on the experience of the activities of Skills for Justice's marketing department.

Computer costs (ix)

The forecast for March 2009 assumes that the existing computer system is used.

There is currently an IT system on operating lease at an annual cost of £28,152. It has been assumed that we would not use the system and that it would be shown as an exceptional cost from 2010.

In 2010 it is proposed that £20,000 will be spent on a new hardware system based at Sheffield, and consequently the figure of £15,000 in expenses will relate solely to software support.

The cost of new hardware may not be necessary, dependent on the compatibility of the existing system with that in Sheffield. A review of IT requirements would be undertaken in April 2009.

Establishment costs (x)

As previously stated the organisation would be based in Sheffield from April 2009, consequently from 2010 no costs are being shown on this expense line.

Any establishment costs for the use of office accommodation at Sheffield would be included in the management charge.

The current lease with the British Medical Association expires in August 2010, and it is assumed that it will not be possible to transfer the lease to another party before the expiry of this period. The London property costs for 2010 and 2011 have been included in non operating costs, see note (xv) below.

Office costs (xi)

This line includes telephone, stationery, printing and postage.

The costs are expected to reduce due to the relocation of the office and changes taking place to the structure of the organisation.

The costs are expected to increase at a greater rate over the period 2012 to 2014 due to the increase in the levels of membership and potential printing costs associated with that increase.

Legal & professional (xii)

It is understood that there are “fit for practice “legal claims made each year against the organisation. It is assumed that these could cost between £10,000 to £15,000 each, an allowance for this has been made at £40,000.

With the new improved systems it would be anticipated that this cost will be brought down substantially to £10,000 per annum from 2011/12.

Other costs (xiii)

This is to cover any other costs not included in the above headings such as bank charges and depreciation.

Management charge – Skills for Justice (xiv)

This is an estimate of the costs of that would need to be recovered and is based on the following:

Finance support	£8,500
IT support	£1,500
Accommodation costs	£6,000
Director/management	<u>£24,000</u>
Total	<u>£40,000</u>

It is assumed that all accounting and company administration would be provided by Skills for Justice.

9.6 Non Operating Costs

Development Costs (xv)

This cost is to develop and implement the changes to the registration model and assessment processes. Although it is anticipated that it would take only 18 months to complete, we have erred on the side of caution and included 2 years' costs.

	March 2010 Forecast £'000	March 2011 Forecast £'000
Salaries	44	46
Employee pensions	4	4
Recruitment	7	0
Consultation events	10	5
Travel & Subsistence Employees	6	6
Steering group	6	6
Printing, postage & stationery	5	5
Marketing & communications	5	15
Total	87	87

The costs allow for one full time person on a fixed term contract to be the project lead and be responsible for the overall development. They would be assisted by the other full time employees. Allowance has been made for the setting up of a steering group and for holding a number of consultation events.

Exceptional Costs (xvi)

This line includes the costs of the change in control and the ongoing commitments of the organisation not related to the ongoing activities. The breakdown is:

<u>Non Operating Costs</u>				
Exceptional Item	31 March 2010 £'000	31 March 2011 £'000	31 March 2012 £'000	31 March 2013 £'000
Redundancy	15			
Legal & professional	25			
Relocation	5			
Property costs	60	25		
Computer lease	28	28	28	7
Total	133	53	28	7

In 2009, on the relocation of the office to Sheffield, provision has been made to cover the costs of the existing employees to relocate, or for any potential redundancy costs that may be incurred if they choose not to move.

The legal and professional costs relate to the cost of legal advice on the change of control and for due diligence work on the company.

Relocation relates to the cost of moving the office to Sheffield. There is sufficient space at Sheffield for storage.

Property costs in 2010 and 2011 relate to the continued cost of the closed office in London, whose lease terminates in August 2011.

Computer lease relates to the ongoing lease commitments and assumes that the equipment will not be used in Sheffield.

Sector Skills Councils operating registers

There are six SSCs who currently run or manage a register of competent practitioners in their sectors:

- Energy & Utility Skills
- Construction Skills
- The Scottish Social Services Council (part of Skills for Care & Development)
- The Institute of the Motor Industry – Automotive Skills is a Division of the IMI SkillsActive (Active Leisure industry)
- Lantra (Environmental and land-based industries)

Energy & Utility Skills

Energy & Utility Skills operate several independent skills registers for the electricity, gas, waste management and water industries which provide a recognised standard across the whole of the energy and utility sector across the UK.

Registration is based upon the provision of objective evidence that the applicant has satisfied the criteria required for recognition of skills in a particular role. This evidence is primarily based upon achievement of the appropriate NVQ.

Construction Skills

Construction Skills operate a skills register for the construction industry which aims to:

- keep a record of workers in the construction industry who have achieved a recognised level of competence and to provide a means of identification;
- provide certification for UK workers that could be accepted in Europe through agreements with other European national schemes to mutually recognise qualifications; and
- be self-financing; with any surplus funds being used for the benefit of the Scheme.

Scheme membership is confirmed through the issue of a range of competence cards depending on the level of competence evidenced. Entry to the register is through a number of routes e.g. S/NVQs or Apprenticeships assessed by awarding bodies.

The Scottish Social Services Council (SSSC)

The Scottish Social Services Council operates a register and regulates the social care workforce through legal protection of title (Regulation of Care (Scotland) Act 2001) and a register based on:

- Proof of identity;
- Evidence of competence – attaining qualifications required for registration;
- Evidence of ‘good character’; and
- Successful ‘disclosure’.

The SSSC are one of the partner organisations that make up Skills for Care and Development but they manage the register separately from the Sector Skill Council activity.

The Institute of the Motor Industry (IMI) – Automotive Skills

The Institute of the Motor Industry/Automotive Skills operate a membership scheme for the retail automotive industry with four levels of membership. Successful applicants must have the following:

i) Fellow (FIMI)

Level 5 equivalent national qualification (e.g. Diploma of Management Studies, MBA or equivalent) and 5 years experience in senior management, of which at least two years must be in the retail motor industry.

ii) Member (MIMI)

Level 4 equivalent national qualification (e.g. Certificate of Management Studies, BTEC HND, N/SVQ Level 4 or equivalent) and 3 years relevant experience, of which at least two years must be in the retail motor industry.

iii) Associate (AMIMI)

Level 3 equivalent national qualification (e.g. N/SVQ Level 3 or equivalent) and 3 years experience in the retail motor industry.

iv) Licentiate (LIMI)

Level 2 equivalent national qualification (e.g. N/SVQ Level 2 or equivalent) and 12 months experience in the retail motor industry.

SkillsActive

SkillsActive operates a Register of Exercise Professionals (REPS) for the active leisure industry. The register was set up to help safeguard the health and interests of people who are using the services of exercise and fitness instructors, teachers and trainers. Membership of REPS is a pre-requisite for working in Department of Health referral programmes offering fitness and exercise. The scheme also requires evidence of public liability insurance. REPS is a separate entity with charitable status.

The Register uses a process of self-regulation that recognises industry-based qualifications, practical competency, and requires fitness professionals to work within a Code of Ethical Practice. Members of the Register are given a card and registration certificate to prove their qualification and membership. Entry on to the register is through completion of relevant S/NVQs.

Lantra

Lantra operates three registers for the Environmental and land-based industries.

- **Lantra Awards Register of Training Providers** - providers must be able to demonstrate technical skill/competence/knowledge. This is based on Certificates of Professional Competence where they exist, but could also be by assessment.
- **Greenspace** – providing recognition for skills at all levels up to and including ‘Full Member’ (professional equivalent) in the amenity horticulture industry. Using an Occupational Competency Framework (OCF) as the tool to record the current and target skills of all members.
- **Assured Chicken Production Scheme** – all employees working on an ACP farm must have their current skills/training and development record recorded on a database and updated regularly. Based on the above OCF.

Terms of Reference for the Practitioner Quality Standards Specialist Group

Status

1. The Practitioner Quality Standards Specialist Group (hereafter referred to as the “Specialist Group”) is a Standing Specialist Group established to advise the Forensic Science Regulator (“the Regulator”), the Forensic Science Advisory Council (‘the Council’) and other delivery partners (ACPO, NPIA, and MoJ (OCJR)), on matters within its remit.

Remit

2. The Specialist Group will support the Regulator and the Council by initially conducting a review, with recommendations, of the available options for the accreditation of practitioners involved in forensic science (excluding pathologists and forensic medical examiners) followed by ongoing assessment and advice on all matters related to the preparation, implementation and monitoring of practitioner quality standards within the remit of the Regulator. The Specialist Group will:
 - Define the scope of practitioners to be included in the review of practitioner quality standards, with options for later extension of the scope.
 - Review the current options for accrediting practitioners to ensure practitioner quality standards.
 - Recommend an option that best achieves practitioner quality standards in the delivery of forensic science to the criminal justice system.
 - Oversee the processes for monitoring and enforcing practitioner quality standards, including relationships with other bodies, within forensic science.

- Propose means of remedying any shortcomings, distinguishing between measures which fall within the remit of the Regulator and those which do not.
 - Make such other recommendations as appear appropriate.
3. The Specialist Group will, following a request from the Regulator develop additional standards, processes or policies for consideration by the Council and Regulator.

Composition

4. The following organisations will be invited to nominate suitable persons to membership of the Specialist Group:
- ACPO
 - NPIA
 - Skills for Justice
 - United Kingdom Accreditation Service
 - Forensic Science Service of Northern Ireland
 - Scottish Police Services Authority
 - Forensic Science Suppliers
 - Forensic Science Society
 - MoJ (OCJR)
5. The Chair, Deputy Chair and members of the Specialist Group will be appointed by the Regulator, with the approval of the Council.
6. The Regulator may at the request of, or following consultation with, the Chair of the Specialist Group, add to the membership of the Specialist Group or invite other individuals to serve on the Specialist Group for limited periods of time where additional skills, knowledge or experience are required.

Operation

7. The Specialist Group will operate in accordance with a detailed plan presented by the Chair and approved by the Regulator, who will be advised by the Council.
8. The Specialist Group will conduct its business out of committee as far as possible, but will meet as and when required in order to discharge its remit.
9. In the interests of public accountability, the Specialist Group will carry out its work as openly as possible, within the terms of the Code of Practice on Access to Government Information, subject to any necessary confidentiality requirements and any conditions set by Ministers or agreed by the Regulator.
10. No budget is delegated to the Specialist Group but such assistance as is reasonably required to enable the Specialist Group to undertake its duties will be provided, within available resources.
11. Membership of the Specialist Group is unremunerated. The Regulator may approve repayment of travel and subsistence costs necessarily incurred on Specialist Group business by any members who are unable to obtain reimbursement from their employers. Repayment will only be made where the Regulator has specifically agreed, in writing and in advance of the expenditure, to entertain claims from a named individual under this provision.
12. Where the business of the Specialist Group gives rise to the need for expenditure from the Regulator's budget (including any claims under paragraph 11 above), the Regulator's written approval must be obtained in advance of any commitment to the expenditure.
13. The Chair of the Specialist Group may establish such other procedures as s/he considers appropriate for the operation of the Specialist Group, providing that these are not inconsistent with the above.

Working Groups

14. The Specialist Group may, with the approval of the Regulator, establish such working groups as it considers necessary for the efficient and effective conduct of its business. Such working groups will be constituted with clear written terms of reference and will report to the Specialist Group.

Conduct

15. Members of the Specialist Group are required to observe the Seven Principles of Public Life endorsed by the Nolan Committee on Standards in Public Life. Each member must at all times act in good faith and observe the highest standards of impartiality, integrity and objectivity in relation to the conduct of the Specialist Group's business.

16. Any Specialist Group member has the right to bring to the attention of the Regulator any matter, which he or she believes raises important issues relating to his or her duties as a member. In such cases the member should, before approaching the Regulator, raise their concerns with the Specialist Group Chair to establish whether they might be resolved within the Specialist Group.

Confidentiality

17. In accepting appointment to the Specialist Group, members are required to accept that they will not disclose any information or documents presented to the Specialist Group without the approval of the Regulator. This includes any documents marked with any GPMS security classification (including RESTRICTED) and the content of any discussions relating to such information. Members undertake not to make copies of any such documents, and to follow the advice provided by the Regulator and FSRU about the handling of such documents.